



■ The Article 21 of Gender Equity Education Act : Immediately Report the Incident Within 24 Hours

✧ No later than twenty-four hours after becoming aware of the incident

Aware		Inform		Report to MOE		24 hours
Fill the form	+	Inform GENCOM or SAD*	+	GENCOM/SAD report to MOE	=	
Example 1: 23 hours		0.5 hours		0.6 hours		
Example 2: 4 hours		4 hours		16 hours		

Reminder: Please call after email (GENCOM: 03-5742626 (during office hours) ; SAD: 03-5711814 (24 hours)
* SAD=Student Assistance Division

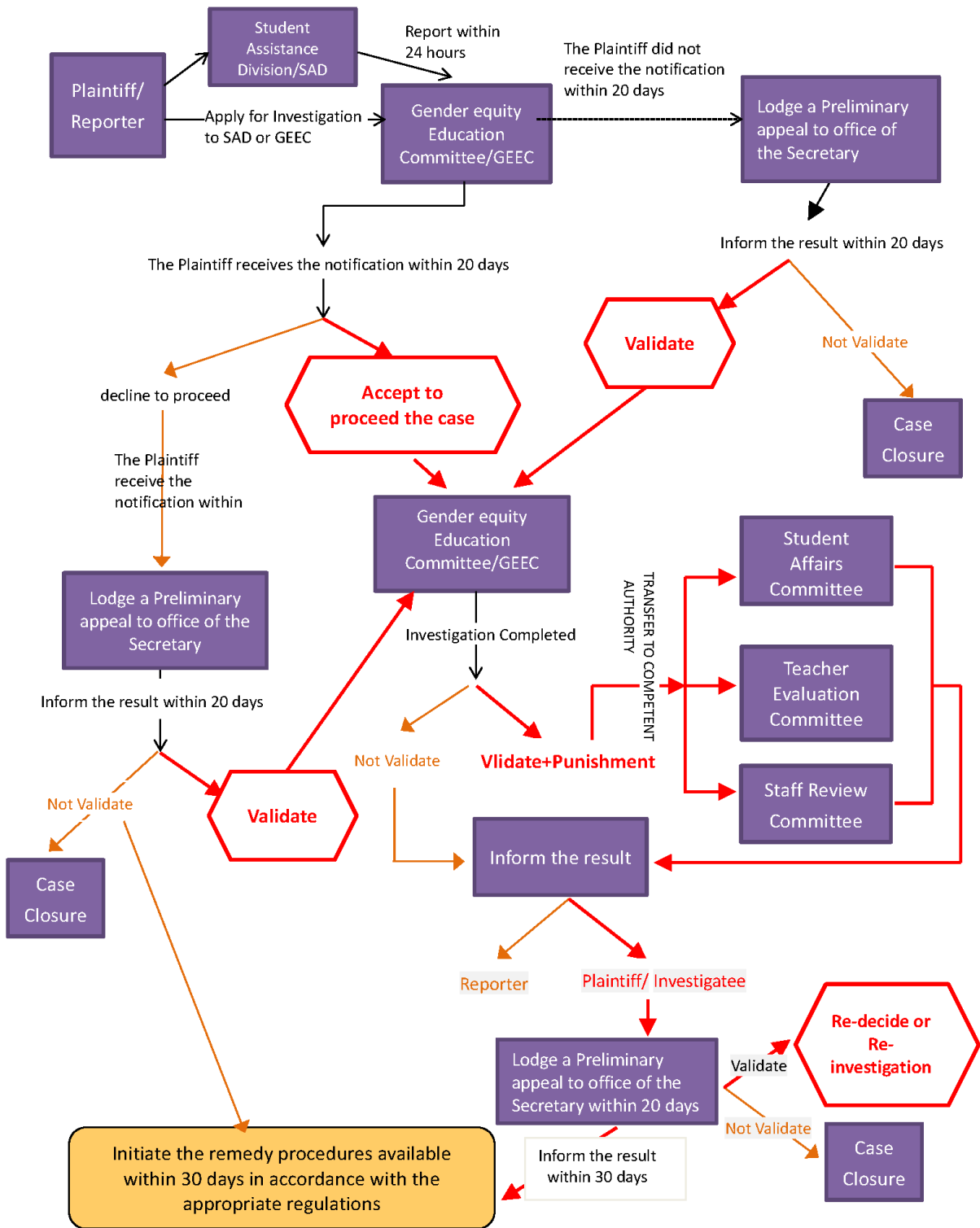
✧ 5 Steps After Becoming Aware of The Incident

1. Fill the form of NTHU GENCOM Incident Report (<https://gencom.site.nthu.edu.tw/p/406-1344-68123,r819.php?Lang=zh-tw>)
 - If the victim refuses to report, you should still report (but not indicating the names)
2. Inform GENCOM or SAD within 24 hours
3. Not comment on the incident
4. DO NOT set up any investigation mechanism
5. Help to preserve the evidence
 - Or, call police to help if needed

■ The Article 29 of Gender Equity Education Act : Application for Investigation and Remedy.

- Students can fill the application form (can be downloaded from <https://gencom.site.nthu.edu.tw/p/406-1344-44957,r819.php?Lang=zh-tw>) and email to GEEC
- The flowchart of handling gender equality incidents on NTHU is as follows.
- The investigation report is as follows.

The flowchart of handling gender equality incidents on NTHU



Investigation Report on Case #10920
Gender Equality Education Committee (GEEC)
National Tsing Hua University (NTHU)

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I 、 Reason of Application

Plaintiff: ○○○ (abbreviated as AF), 2nd-year MS student, ○○ Department

Investigatee: ○○○ (abbreviated as BM), 1st-year PhD student, ○○ Department

A 、 Origin of the Investigation :

AF submitted a formal request to GEEC for investigation over the following incidents:

- (1) BM harrassed AF through private texting, waiting outside her lab

B 、 Basis of the Investigation :

- (1) The complaint fits the definition of sexual harassment as given in Article 2 of the Gender Equality Education Act (GEEA). Hence GEEC accepted the complaint for investigation as Case #10920 on○/○/○.
- (2) In accordance with Article 30, GEEA, an investigation Taskforce was subsequently formed; members include ○○○(female, Professor of ○, NTHU), ○○○(female, Professor of ○, NTHU), and ○○○ (male, Professor of ○ and listed in the MOE-recognized Expert Investigators for Gender Equality Incidents.

II 、 Reason of Application

A 、 Points of dispute :

- (1) Did the incidents stated in the filed complaint actually occur?
- (2) If the incidents indeed occurred, did they fit in the definition of sexual harassment as defined in Article 2, GEEA?

B 、 Proceedings of the Investigation :

On○/○/○, the taskforce conveyed meetings from 9:30 to 12:30, including interviews with AF (10:00 to 10:40) and BM (11:00 to 11:40).

III 、 Extracts from Interviews

A 、 Extracts of Interview with AF

1. AF 's explanation of the incident
- 2 The impact of the life and study
3. Expectations toward the handling of this case

B 、 Extracts of Interview with BM

1. BM 's explanation of the incident

IV 、 Evidences and Supporting Information

1. Codes of Interviewees
2. Complaints from AF
3. Transcript/recording of Interview with AF
4. LINE messages between two parties
5. Transcript/recording of Interview with BM
6. Written rebuttal from BM
7. Letter of apology from BM

V 、 Decision and Reasons

A 、 Legal Basis :

- (1) GEEA, Article 2, Paragraph 1, Item 4, definition of sexual harassment: 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.
- (2) Enforcement Rules for the Gender Equality Education Act (ERGEEA), Article 2, Paragraph 2: The determination of sexual harassment referred to in the fourth subparagraph of the Act shall be examined on a case-by-case basis, in order to investigate the concrete facts of the background of the occurrence, environment, interpersonal relationships, the offender's speech and conduct and the **understandings of the respondents**.

B 、 Decision and Reasons

- (1)
- (2)
- (3)

On the basis of physical evidences provided by AF and interviews with both parties, the Taskforce conclude that the behavior of BM bears sexual meaning, causing discomfort and negative emotion of AF. This is in accordance with the definition of sexual harassment as defined by GEEA, Article 2, Paragraph 1, Item 4; AF's accusation on sexual harassment from BM stands valid.

VI 、 Follow-up Procedures

A. Regarding AF :

NTHU should actively show compassion to AF and provide psychological consultation upon her willingness.

B 、 Regarding BM :

- (1) In accord with NTHU Student Reward and Punishment Measures (Article 7, Item 8), we recommend that a reprimand be given to BM.
- (2) BM should not contact AF in any way before her graduation. Violation of the ruling may lead to further punishment.
- (3) In accord with GEEA (Article 25, Paragraph 2), BM should take at least 2 hours of psychological consultation; whether this is to be extended shall be determined by the counselor. We commend specific directions in "Empathy Development" and "Adjustment to life style in Taiwan"
- (4) In addition, BM should take 8 hours of gender equality education, covering "Gender Equality" and "Interpersonal Relationship" issues.
- (5) Only upon completion within 6 months of psychological consultation and gender equality education (as stated above) may BM proceed with the removal of point deduction process according to NTHU Implementation Guidelines for Removal of Point Deductions. In addition, GEEC will abide by GEEA, Article 36, Paragraph 4:

If a perpetrator in violation of Paragraph 6 of Article 25 fails to fully comply with the implementation of the measures referred to there or fails to fully cooperate with an investigation referred to in Paragraph 4 of Article 30 without reasonable grounds for not doing so, the educational institution shall report the matter to the competent authority and request it to impose a fine of not less than 10,000 New Taiwan Dollars and not more than 50,000 New Taiwan Dollars, and a separate fine may be imposed for each instance of a violation until the perpetrator complies or provides related information.

C 、Regarding NTHU :

We recommend that NTHU strengthens the training of administrative/departmental staffs on handling of gender-related incidents, promotes gender-equality awareness and empathy, spreading information on channels/procedures to file-in complaints/petitions over gender-related incidents to minimize occurrence of similar cases in the future.

Gender Equality Education Committee, NTHU

2020JUN17

If the applicant or the perpetrator is dissatisfied with the outcome of the handling of the case referred to in Paragraph 3 of the previous article, they may lodge a preliminary appeal with the educational institution or competent authority, setting out the grounds in writing, with within twenty days from the day after the day on which they received the written notification.

The preliminary appeal referred to in the previous paragraph may only be lodged one time.

If the educational institution or competent authority discovers that there were major flaws in the investigation procedure, or some new fact or evidence that is sufficient to affect the determination made on the basis of the original investigation, it may request its gender equity education committee to reinvestigate the case.

This final resolution and punishment is made by the committee based on the detailed investigation. Please do not retaliate against the parties, witnesses and investigators.

國立清華大學防制學生校園霸凌執行要點

NTHU Implementation of Preventing Student Bullying on Campus

104年5月19日日校務會報通過

壹、依據：

- 一、教育基本法第8條第2項。
- 二、校園霸凌防制準則。
- 三、教育部「各級學校防制校園霸凌執行計畫」。
- 四、本校校園現況實際需要。

貳、目的：

為防制校園霸凌事件，建立有效之預防機制及精進處理相關問題，特訂定本執行規範。

參、實施對象：本校學生。

肆、執行規定：

一、教育宣導：

- (一)將學生法治教育、品德教育、人權教育、生命教育、性別平等教育、資訊倫理教育、偏差行為防制及被害預防宣導融入新生講習等相關活動及課程，並適時結合重大事件實施機會教育，鼓勵學生對校園霸凌事件儘早申請調查或檢舉，以利學校蒐證及調查處理。
- (二)學務處辦理多元活潑教育宣導活動，深化學生法治教育、品德教育、人權教育、生命教育、性別平等教育、資訊倫理教育、偏差行為防制及被害預防宣導。
- (三)教務處辦理教師法治教育、品德教育、人權教育、生命教育、性別平等教育、資訊倫理教育、偏差行為防制及被害預防宣導相關研習，增強教師知能。
- (四)推動每學期第一週為「友善校園週」，並規劃辦理以反霸凌、反毒及反黑為主軸的相關系列活動。
- (五)每學期結合新進教師研習或系(所)務會議時間，實施防制校園霸凌專題報告，強化教育人員防制校園霸凌知能。

二、發現處置：

- (一)本校教、職、員、工、生知悉疑似校園霸凌事件，應立即主動通報。
- (二)由生活輔導組設立24小時反霸凌投訴電話(電話:03-5711814 或校內分機 66666)，指定專人接聽，獲通報後應立即列案管制，並依事件類別轉知相關委員會調查處理，且完成校安通報。
- (三)校園霸凌依事件類別分由學生獎懲委員會(學生間霸凌事件)、性別平等

教育委員會(性別霸凌事件)、學生申訴評議委員會(師生間霸凌事件)，處理調查並完成懲處建議。

(四)校園霸凌事件列案管制後相關委員會需於2個月內處理完畢，調查報告及處理結果，應以書面通知申請人及行為人，並告知不服之申復方式及期限。

(五)涉及刑案事件，司法調查期間暫停處理調查，俟司法調查處理後依相關規定調查處理。

(六)學校學輔人員(含教官)、教師，遇校園霸凌個案時，應主動聯繫學生家長協處。

三、輔導介入：

(一)對於校園霸凌行為人成立輔導小組，成員得包括導師、學務人員、輔導人員、家長或視個案需要請專業輔導人員、加強輔導。

(二)若校園霸凌行為屬情節嚴重之個案，應立即通報警政及社政單位協處，或得向司法機關請求協助。

(三)學校輔導評估後，仍無法改變偏差行為之學生，得於徵求家長同意轉介專業諮商輔導或醫療機構實施矯正與輔導；學校輔導小組仍應持續關懷並與該專業諮商輔導或醫療機構保持聯繫，定期追蹤輔導情形，必要時得洽請司法機關協處。

(四)在事件處理及輔導作為上，除應講求時效，注重正確性外，更應防範資料外洩，以確保當事人之隱私。

伍、本執行要點經校務會報通過後實施。

清華大學霸凌事件處理流程圖

NTHU bullying event processing flowchart

疑似校園霸凌事件

通報

- 1. 被霸凌人或其法定代理人申請調查。
- 2. 導師或學校其他人員知悉。
- 3. 學生媒體或民眾警政等單位通報。

- 一. 生輔組通報 03-5711814 或分機 66666
- 二. 依類別轉知相關委員會調查處理，立即列案管制。

- 1. 各委員會依相關法令規定實施調查處理。
- 2. 校園霸凌事件列案管制後相關委員會需於2個月內處理完畢。
- 3. 涉及刑案事件，司法調查期間暫停處理調查，俟司法調查處理後依相關規定調查處理。
- 4. 調查報告及處理結果，以書面通知申請人及行為人，並告知不服之申復方式及期限。
- 5. 各委員會依據調查事實擬出建議及懲處意見。

性別平等教育委員會

學生申訴評議委員會

學生獎懲委員會

否

處理調查及建議

是

其他或一般校安事件

霸凌事件

- 1. 依據學生獎懲規定處理。
- 2. 依校安事件或其他事件處理規定辦理。
- 3. 澄清事件事實，安撫處理相關受調查人員情緒，避免產生怨懟。

啟動輔導機制

- 1. 成立輔導小組，成員得包括導師、學務人員、輔導人員、家長或視個案需要請專業輔導人員、加強輔導。
- 2. 輔導評估後，仍無法改變偏差行為之學生，得於徵求家長同意轉介專業諮商輔導或醫療機構實施矯正與輔導。

評估是否改善

持續追蹤輔導

發現期

處理期

追蹤期

有關學生為霸凌行為之法律責任部分

責任性質	行為態樣	法律責任	備註
刑罰	傷害人之身體或健康	依刑法第 277 條，傷害人之身體或健康者，處 3 年以下有期徒刑、拘役或 1 千元以下罰金。因而致人於死者，處無期徒刑或 7 年以上有期徒刑；致重傷者，處 3 年以上 10 年以下有期徒刑。	依刑法及少年事件處理法規定，7 歲以上未滿 14 歲之人，觸犯刑罰法律者，得處以保護處分，14 歲以上未滿 18 歲之人，得視案件性質依規定課予刑責或保護處分。
		依刑法第 278 條，使人受重傷者，處 5 年以上 12 年以下有期徒刑。因而致人於死者，處無期徒刑或 7 年以上有期徒刑。	
	剝奪他人行動自由	依刑法第 302 條，私行拘禁或以其他非法方法，剝奪人之行動自由者，處 5 年以下有期徒刑、拘役或 3 百元以下罰金。因而致人於死者，處無期徒刑或 7 年以上有期徒刑，致重傷者，處 3 年以上 10 年以下有期徒刑。未遂犯亦處罰之。	
	強制	依刑法第 304 條，以強暴、脅迫使人行無義務之事或妨害人行使權利者，處 3 年以下有期徒刑、拘役或 3 百元以下罰金。未遂犯亦處罰之。	
	恐嚇	依刑法第 305 條，以加害生命、身體、自由、名譽、財產之事，恐嚇他人致生危害於安全者，處 2 年以下有期徒刑、拘役或 3 百元以下罰金。	
		依刑法第 346 條，意圖為自己或第三人不法之所有，以恐嚇使人將本人或第三人之物交付者，處 6 月以上五年以下有期徒刑，得併科 1 千元以下罰金。其獲得財產上不法之利益，或使第三人得之者，亦同。未遂犯亦處罰之。	
侮辱	依刑法第 309 條，公然侮辱人者，處拘役或 3 百元以下罰金。以強暴公然侮辱人者，處 1 年以下有期徒刑、拘役或 5 百元以下罰金。		

	誹 謗	依刑法第 310 條，意圖散布於眾，而指摘或傳述足以毀損他人名譽之事者，為誹謗罪，處 1 年以下有期徒刑、拘役或 5 百元以下罰金。散布文字、圖畫犯前項之罪者，處 2 年以下有期徒刑、拘役或 1 千元以下罰金。對於所誹謗之事，能證明其為真實者，不罰。但涉於私德而與公共利益無關者，不在此限。	
民 事 侵 權	一 般 侵 權 行 為	依民法 184 條第 1 項，故意或過失，不法侵害他人之權利者，負損害賠償責任。故意以背於善良風俗之方法，加損害於他人者亦同。	
	侵 害 人 格 權 之 非 財 產 上 損 害 賠 償	依民法 195 條第 1 項，不法侵害他人之身體、健康、名譽、自由、信用、隱私、貞操，或不法侵害其他人格法益而情節重大者，被害人雖非財產上之損害，亦得請求賠償相當之金額。其名譽被侵害者，並得請求回復名譽之適當處分。	
行 政 罰	身 心 虐 待	依兒童及少年福利與權益保障法第 97 條第 1 項，處新臺幣 6 萬元以上 30 萬元以下罰鍰，並公告其姓名。	依行政罰法第 9 條規定，未滿 14 歲人之行為，不予處罰。14 歲以上未滿 18 歲人之行為，得減輕處罰。

有關法定代理人就學生所為霸凌行為之法律責任部分民法第 13 條未滿 20 歲之未成年人，如其成立民事上侵權行為，法定代理人依同法第 187 條應負連帶責任