

高雄醫學大學

實習生於實習期間疑似遭遇性侵害、性騷擾、性霸凌事件 Q&A

為維護實習學生於實習機構安全及學習權益，除針對實習生須於實習前施作性平教育測驗以提高實習生對於性別議題了解外。為提供免於性侵害或性騷擾之實習環境，於實習前進行實習單位之評估，確保學生實習安全。

Q

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<p>Q1. 實習生定義為何？</p>	<ol style="list-style-type: none">1. 實習生係指學生於學校就讀修習校外實習課程，在一定期間內於實習機構學習之在校學生。2. 性別工作平等法第 3 條第 1 項第 4 款「實習生：指公立或經立案之私立高級中等以上學校修習校外實習課程之學生。」
<p>Q2. 何謂性侵害？</p>	<ol style="list-style-type: none">1. 性侵害不是性，而是暴力，是粗暴的侵害，是未經允許的性行為2. 任何沒有經過您的同意，以強暴、脅迫、恐嚇、催眠術或其他違反您意願的方法而發生性行為者，都算是性侵害。3. 只要不是您願意讓他人碰觸或觸摸身體的任何部位，且碰觸程度達猥褻之行為者，也算性侵害。(強制猥褻罪)
<p>Q3. 何謂性騷擾？</p>	<ol style="list-style-type: none">1. 依據性別平等教育法第 2 條第 1 項第 4 款規定。 性騷擾：指符合下列情形之一，且未達性侵害之程度者：<ul style="list-style-type: none">● 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。● 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。● 適用範圍：指事件之一方當事人為學校校長、教師、職員、工友或學生，他方為學生者，可向加害人所屬學校提出申訴。2. 依據性別工作平等法第 12 條所稱性騷擾，謂下列二款情形之一：<ol style="list-style-type: none">(1)受僱者於執行職務時，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。(2)雇主對受僱者或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。前項性騷擾之認定，應就個案審酌事件發生之背景、工作環境、當事人之關係、行為人之言詞、行為及相對人之認知等具體事實為之。<ul style="list-style-type: none">● 適用範圍：指雇主性騷擾受僱者或求職者與受僱者執行職務期間被任何人性騷擾者，可向加害人雇主提出申訴。<p>實習生於實習期間遭受性騷擾時，適用本法之規定。</p>

3. 依據性騷擾防治法第 2 條本法所稱性騷擾，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，且有下列情形之一者：

- (1) 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。
- (2) 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。
 - 適用範圍：凡不適用性平法或性工法者，可向加害人雇主提出申訴，若加害人身分不明，則由警察局受理。

Q4. 何謂性霸凌？

依據性別平等教育法第 2 條第 1 項第 5 款「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。」

Q5. 校外實習期間疑似遭遇性騷擾應如何處理？

性騷擾係指讓人產生不舒服性聯想的故意行為，且違背個人意願，可能透過強迫、威脅或不預期等言詞、非言詞和身體接觸的方式發生在任何人身上。遇到性騷擾的情況大不相同，不論遇到何種情況，**切記不要懷疑和壓抑自己的感覺，並應立即採取制止行動。**

以下提供幾點處理性騷擾的方式予實習學生參考

1. 明白對騷擾者表示抗議，大聲說「不」！要求其立即停止騷擾行為並道歉。
2. 可聯合其他受到相同騷擾的被害人一起勇敢採取行動。
3. 相信自己的直覺，不要忽視或懷疑自己，表達自己的憤怒，向在場的人說出自己遭遇，阻止騷擾者繼續其騷擾行為，如未來欲提出申訴時，才有人證可以證明騷擾行為確實發生。
4. 拒絕的態度要嚴肅明確，前後一致。
5. 避免與性騷擾加害者的再次接觸，在公事及私事間劃清界線。
6. 將自己的遭遇告訴他人，不僅可以避免自己被孤立、獲得情緒上支持，還可和有相同經驗或願意幫忙的朋友一起想辦法，阻止性騷擾的繼續發生。
7. 勿期待或要求特別的待遇。
8. 不要與可能的騷擾者共飲，減少見面的可能性。
9. 沉著冷靜，並出其不意的掙脫。使用防身技巧，保護自己，掙脫後並可用各種方式引起旁人注意，利用群眾嚇退、制止騷擾者。

	<p>10. 學生於實習期間發生性侵害或性騷擾事件時，應向實習輔導老師或系主任報告，除協助向實習單位舉報，依性侵害或性騷擾防治辦法，由相關權責單位處理。亦應逕向本校相關權責單位，進行後續之協助處理，若需心理諮商，協助轉介至相關輔導單位。</p>
<p>Q6.如何減低性侵害發生的可能？</p>	<ol style="list-style-type: none"> 1. 避免出孤立偏僻的地點，例如：電梯、洗衣房、車庫等。特別當你是一個人或與別人在一起而感到不舒服時，應特別避免。 2. 在與他人外出或談話時，應注意對方是否流露出對性別的敵意或使你不舒服。清楚的表達你的意思。不用擔心你的反應會對他無禮，因為你的安全更重要。 3. 在你涉入性行為之前，應讓對方明白你的界線。 4. 避免隔絕的場所。如：公園、或廢棄的海灘。會面的地點最好在容易得到支援的公共場所。 5. 安排你自己的交通工具。尤其當你與對方不熟時，應選擇自己開車，使用大眾交通工具，或與一個團體、另一對朋友一起。
<p>Q7.申請處理</p>	<ol style="list-style-type: none"> 1. 若實習生遇性騷擾事件時，可撥打校安專線 07-3220809(24 小時)或向導師、學務處尋求協助。 2. 通報疑似性平案件需填寫校安事件告知單，校園性侵害性騷擾或性霸凌事件通報處理流程圖，請參閱本校性別平等教育委員會網站(請點此連結) 3. 盡可能詳細地紀錄下事情發生的經過(事件發生的人、事、時、地及發生經過)，保存相關證據資料(例如：監視錄器、證人、簡訊、email 或對話紀錄等)，有助於未來若想提出申請調查時，可作為證據之用。

Kaohsiung Medical University

Q&A for Suspected Sexual Assault, Harassment or Bullying during Internship

In addition to the necessary gender equity test before internship for promoting understanding of gender issues, all the departments shall evaluate employers to provide working environments free of sexual assault or harassment in advance in order to protect interns and their rights to learn during internship.

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<p>Q1. What is an intern?</p>	<ol style="list-style-type: none">1. An intern is a current student who takes an external internship course at KMU and works at a company/organization in a defined period of time.2. Article 3-4 of the Act of Gender Equality in Employment states that an intern refers to "a student of a public or registered private senior high school or above who is participating in an extracurricular training program."
<p>Q2. What is sexual assault?</p>	<ol style="list-style-type: none">1. Sexual assault is not a legitimate sexual act. It is sexual behavior of violence and aggression without consent.2. Sexual assault refers to coercing a person into engaging in a sexual activity through force, threat, intimidation or hypnosis or performing any other sexual act against his or her will.3. Sexual assault also includes unwanted touching of any body parts in an obscene manner. (forced obscenity crime)
<p>Q3. What is sexual harassment?</p>	<ol style="list-style-type: none">1. According to Article 2-4 of the Gender Equity Education Act: Sexual Harassment: Any of the following acts which do not constitute sexual assault:<ul style="list-style-type: none">● Engage in unwelcome remarks or behaviors with explicit or implicit meanings of a sexual nature or of gender discrimination that adversely affect a person's dignity, opportunity to learn or work, or learning or work performance.● Use sex or gender-related behaviors to obtain, lose or impair one's own or any other person's learning or work-related rights or interests.

- Scope: A sexual harassment incident involves a student and the principal/president, a teacher, non-teaching staff member, maintenance worker, or student of an educational institution. The victim is entitled to file a complaint with the educational institution where the offender works or studies.

2. According to **Article 12 of the Act of Gender Equality in Employment, sexual harassment refers to one of the following two circumstances:**

- (1) In the course of employment, anyone makes a sexual request or uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination to cause a hostile, intimidating and offensive work environment leading to infringe on, or interfere with, an employee's dignity, physical liberty or which affects his or her work performance.
- (2) An employer explicitly or implicitly makes a sexual request toward an employee or an applicant, or uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination to propose an exchange for the establishment, renewal, modification of an employment contract, placement, assignment, compensation, work evaluation, promotion, demotion, reward or disciplinary actions.

Sexual harassment stated above shall be determined based on particular facts, including the background of the incident, work environment, the relationship between the parties, the actor's verbal and physical conduct, and the victim's perception.

- Scope: If an employer sexually harasses an employee or applicant, or an employee is sexually harassed by anyone in the course of work, the employee or applicant is entitled to file a complaint with the offender's employer.

The Act applies to any intern who is sexually harassed during internship.

3. According to **Article 2 of the Sexual Harassment Prevention Act, excluding sexual assault offences, the so-called sexual harassment in the Act refers to the sexual or gender-related behavior against one's will. Also, one of the following conditions is met:**

	<p>(1) A person's obedience to, or rejection of, another's sexual advances becomes a necessary condition for obtaining, losing or impairing his or her rights and interests in work, education, training, services, plans or activities.</p> <p>(2) A person's dignity is impaired, a person feels scared, disliked or offended, or a person's work, education, training, services, plans, activities or daily life is adversely affected by texts, pictures, voices, images or other objects shown or sent, discriminatory or insulting verbal or physical conduct, or any other means.</p> <ul style="list-style-type: none"> ● Scope: Victims who fall outside the scope of the Gender Equity Education Act or Act of Gender Equality in Employment are entitled to file a complaint with the offender's employer. The police station in charge shall accept the complaint if the offender's identity cannot be determined.
<p>Q4. What is sexual bullying?</p>	<p>Article 2-5 of the Gender Equity Education Act states that "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."</p>
<p>Q5. How to deal with sexual harassment during internship?</p>	<p>Sexual harassment refers to intentional behaviors which make a person think of an unpleasant sexual image against his or her will. Sexual harassment can happen to anyone in any forcible, intimidating or unexpected verbal, non-verbal or physical form. Sexual harassment can vary depending on the situation. No matter what the situation is, please do not doubt yourself and suppress your true feelings. You should take immediate actions to tell the harasser to stop.</p> <p>The actions which can be taken to deal with sexual harassment are listed below for reference.</p> <ol style="list-style-type: none"> 1. Indicate clearly that you are uncomfortable with the behavior and say "NO!" loudly to ask the harasser to stop the behavior and apologize to you right away.

2. Take collective actions with other victims experiencing the same harassment.
3. Follow your instincts. Don't ignore or doubt yourself. Express your anger and tell the people at the site what happened to you to make the harassment stop. By doing so, you can make sure that there are witnesses to testify for sexual harassment if you file a complaint in the future.
4. Seriously and clearly reject the harasser with a firm attitude.
5. Avoid future contact with the harasser and draw a clear line between work and private life.
6. Share your experience with someone else to build solidarity, obtain emotional support, and figure out a way with other victims or friends who are willing to help to stop sexual harassment.
7. Don't expect or request special offers.
8. Don't drink with potential harassers and avoid meeting them if possible.
9. Stay calm and escape from the harassment unexpectedly. Use self-defense tactics to protect yourself and draw attention of anyone nearby to your situation after escaping, in order to scare away or force the harasser to stop with the crowd's attention.
10. A student experiencing sexual assault or harassment shall **report the incident to the teacher in charge of internship consulting services or the department director**. Support will be provided to the student to report the incident to the employer. The incident will be handled by the regulatory authority according to the Regulations for Prevention of Sexual Assault and Sexual Harassment. The student shall directly support the responsible unit to handle the following matters. The student will be referred to a suitable counseling center if necessary.

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Q6. How to reduce the risk of sexual assault?

1. Avoid places with very few people such as elevator, laundry room and garage, especially when you are alone or with someone who makes you feel uncomfortable.
2. Pay attention to gender hostility or unpleasant conduct demonstrated by the person whom you go out with or talk to. Make a clear statement. The top priority is your safety, so you don't have to consider responding in a kind way.
3. Draw a clear line before engaging in sexual behaviors.
4. Avoid isolated places such as park and abandoned beach. Meet in a public place with easy access to support if possible.
5. Arrange transportation for yourself. Drive yourself, use public transportation or travel with a group of people or a couple of friends, especially when you are not familiar with someone.

Q7. Compliant Handling

1. An intern who encounters sexual harassment can **call the safety helpline at 07-3220809 (available 24/7) or seek help from the homeroom teacher or Office of Student Affairs.**
2. **Filling out the Campus Safety Incident Report Form** is required when reporting suspected incidents related to gender equity. **Please visit KMU Gender Equity Education Committee's website ([please click the link here](#)) for Sexual Assault, Harassment or Bullying Incident Report Flowchart.**
3. Document what happened as detailed as possible (people involved, the incident itself, time, place, and course of the incident) and keep supporting information (monitor footage, witness, text, email, conversation, etc.), which can be submitted as evidence to request an investigation in the future.