

國立中興大學學生申訴辦法

Guidelines on Student Appeal Procedures of National Chung Hsing University

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Amended and adopted at the 99th school meeting on December 23, 2022 (Articles 2, 3, 6-8, 11-14, 16)

第一條 國立中興大學(以下簡稱本校)為保障學生學習、生活及受教權益,增進校園和諧,依大學法第三十三條第四項、大學及專科學校學生申訴案處理原則、本校組織規程第四十條之規定,訂定國立中興大學學生申訴辦法(以下簡稱本辦法),設學生申訴評議委員會(以下簡稱申評會),評議申訴案件。

Article 1

In order to ensure students' learning, living and educational rights as well as to promote campus harmony, National Chung Hsing University (hereinafter referred to as "the University") has the Guidelines on Student Appeal Procedures of National Chung Hsing University (hereinafter referred to as "the Procedures") and established a Student Appeal Review Committee (hereinafter referred to as the "Review Committee") to review the appeals lodged by students, in accordance with Paragraph 4 of Article 33 of University Act, Guidelines on University and College Student Appeals, and Article 40 of Organizational Rules of the University.

第二條 申評會之組成,依下列規定辦理:

- 一、置委員三十一至三十五人,其中必須由每學院教師互選出兩人,並各推選候補委員二人(任一性別各一人為原則),另學生會推派各院學生代表一人;未兼行政職務之教師不得少於委員總數之二分之一;任一性別委員應占委員總數三分之一以上。另由校長遴聘法律、教育、心理學者等專家至多四人擔任委員。如遇特殊教育學生申訴,於申評會中,另增聘至少二人與特殊教育需求情況相關之特殊教育學者專家、特殊教育家長團體代表或其他特殊教育專業人員擔任委員,組成特殊教育學生申訴評議委員會,處理特殊教育學生申訴案件。該申評會委員任期、會議召開、表決、評議決定及保密等規定,均應依特殊教育學生申訴服務辦法辦理。

以上各院教師及學生代表名單應於每年6月30日前提提交至學生事務處。

- 二、擔任學生獎懲委員會之委員或負責學生獎懲決定、調查之人員，不得擔任申評會委員。
 - 三、委員均為無給職，任期一學年，連選得連任。新學年度首次申評會會議由學務長擔任召集人，會中由委員互選一人為主席，此後該學年度各次會議由主席召集。
- 申評會之相關行政作業由學生事務處負責，並向校務會議提出工作報告。

Article 2

The Review Committee shall be organized in accordance with the following rules: The Review Committee is comprised of 27 to 31 members. Each college shall be represented by 2 teachers elected by its entire faculty and shall recommend another 2 alternates (one male and the other female). Meanwhile, the Student Union shall designate 1 student from each college as a representative of his/her college. The number of teachers who are not concurrently holding administrative posts shall not be less than half the entire members. Either sex shall represent no less than one third of the entire members. Also, the principal shall select and appoint at most four specialists in the field of law, education and psychology as the Review Committee members. If a student with special needs appeals, the school should hire special education scholars or specialists to comprise the Student Appeal Review Committee.

1. The list of the aforementioned teacher and student representatives shall be submitted to the Office of Student Affairs no later than June 30th each year.
2. Members of the Student Rewards and Disciplinary Committee or personnel in charge of deciding and investigating student rewards and punishments shall not serve as members of the Review Committee.
3. The position of the Review Committee member is unpaid. The term of membership is one-year. Each member is entitled to serve unlimited terms if re-elected. The Dean of the Student Affairs shall serve as the convener of the 1st meeting of the Review Committee for the new academic year, where the presiding chairman shall be elected by and among the participants of the Review Committee. The presiding chairman shall then convene subsequent meetings for the rest of the academic year.

Office of Student Affairs shall be in charge of relevant administration work and procedure for the Review Committee and is obligated to submit its work reports at the academic affairs meeting.

第三條 學生、學生會及其他相關學生自治組織（以下簡稱申訴人）對於本校之懲處、其他措施或決議，認為違法或不當，致損害其權利或利益者，得依本辦法，向申評會提起申訴。

前項所稱學生，指學校對其為懲處、其他措施或決議時，具有學籍者。但依性別平等教育法第三十四條、校園霸凌防制準則第二十七條對申復結果不服提起申訴者，不在此限。

Article 3

A Student, the Student Union and other student self-ruling related organizations (hereinafter referred to as the Appeller) may make an appeal against a disciplinary sanction, other resolutions or decisions to the Review Committee under the Procedures where it is alleged that the disciplinary sanction, other resolutions or decisions involved were inappropriate for the violations or violate the University's Rules and Regulations.

The students mentioned in the preceding paragraph must maintain a valid student status when a disciplinary sanction, other resolutions or decisions are taken to him/her by the University.

第四條 學生、學生會及其他相關學生自治組織對於本校之懲處、其他措施或決議不服者，應於收到或接受相關懲處、措施或決議之次日起三十日內，應以書面提列具體事實，並檢附相關資料向申評會提起申訴。

申訴人因天災或其他不應歸責於己之事由，致遲誤前項申訴期間者，於其原因消滅後十日內，得以書面敘明理由向申評會申請受理評議。但遲誤申訴期間已逾一年者，不得為之。

Article 4

A student, the Student Union and other student self-ruling related organizations must submit their appeals within 30 days after receiving a disciplinary sanction, other resolutions or decisions if they want to appeal against a disciplinary sanction, other resolutions or decisions. Appeals should be submitted in writing to the Review Committee. All appeals should clearly state the grounds for appeal, and should include all appropriate supporting evidence which is clearly indexed and referenced.

In the event that any act of god or a force majeure incident has caused the Appellant to miss the deadline for filing an appeal, the Appellant may submit a written application, expressly stating the reasons, to the Review Committee for acceptance

of their late appeal. However, the procedures for acceptance of a late appeal shall not apply if more than one year has passed from the deadline for filing the appeal.

第五條 本校處理申訴案件時，得經申評會決議，成立調查小組調查之。調查小組以三人至五人為原則。本校應配合調查小組之調查提供相關資訊。

Article 5

The University, while handing an appeal case, may organize an investigation panel for such cases based on the decision of the Review Committee. The panel shall basically be comprised of 3 to 5 members. The University shall cooperate with and provide relative information to the panel.

第六條 申評會應於受理申訴書之次日起三十日內，完成評議；必要時，得予延長，並應通知申訴人。延長以一次為限，最長不得逾二個月。但涉及退學、開除學籍或類此處分之申訴案，不得延長。
申評會認為申訴書不合規定，而其情形可補正者，應通知申訴人於七日內補正。其補正期間應自評議期間內扣除。

Article 6

The Review Committee shall complete the review within 30 days from the next day of receiving an appeal. The aforementioned review period may be extended, if necessary, by the Review Committee, and a notice shall be given to the Appellant. The review period can only be extended one time for no more than 2 months. However, no extension shall be granted for the appeals with regard to a disciplinary sanction of dropout or expulsion from the University, or any other similar decisions.

The Review Committee shall, under its own judgment, notify the appellant to submit his/her revisions and corrections of the letter of appeal within 7 days if the letter of appeal submitted does not satisfy the requirements set out in the Procedures. The review period shall include the time for Appellant's submission of his/her revisions and corrections of the letter of appeal.

第七條 申訴提起後，申訴人就申訴事件或其牽連之事項，提出訴願或訴訟者，應即以書面通知本校，由本校轉知申評會。

申評會依前項通知或依職權得知前項情事時，應停止評議，並通知申訴人；於停止原因消滅後，經申訴人書面請求，應繼續評議，並以書面通知申訴人。

申訴案件全部或一部之評議決定，以訴願或訴訟之法律關係是否成立為據者，申評會於訴願或訴訟程序終結前，應停止評議，並以書面通知申訴人；於停止原因消滅後，應繼續評議，並以書面通知申訴人。

退學、開除學籍、足以改變其學生身分及損害其受教育機會或類此處分之申訴案件，不適用前二項規定。

申訴人就同一案件向本校提起申訴，以一次為限。

申訴提起後，於申訴評議書送達前，申訴人得撤回申訴。

Article 7

If the appellant initiate a petition or lawsuit (civil, criminal or administrative) relating to the appeal after an appeal has been filed, the appellant should promptly send the University a written notice.

The University should inform and forward the matter prescribed to the Committee. After receiving the notice or the Committee is aware of the matter prescribed in the previous section, the Committee should stay its reviewing process and notify the appellant in written. After the reasons that result in the stay of the reviewing process abate, the appellant may request in written the Committee to continue its reviewing process; the Committee should resume its reviewing process and should notify in written the appellant of its decision.

If the Committee's decisions on a particular appeal, all or in part, are subject to a matter that will be determined in a pending administrative appeal or lawsuit, the Committee should stay its reviewing process of this appeal and notify in written the complainant. The Committee should resume its reviewing process once the reasons resulted in the stay abate and should notify the appellant about this decision.

The above rules do not apply to any appeal against a disciplinary sanction of dropout or expulsion from the University, or any other similar decisions.

An appellant may not bring another appeal to this University against the same matter that has been appealed.

After the appeal has been filed, the appellant may withdraw his/her appeal before the written decision has been delivered to the appellant.

第八條 申訴案件之評議過程以不公開為原則。申評會應公告評議結果、事實及理由，但不得公開自然人姓名及其他足資識別該個人之資料。
申訴案件之評議得通知申訴人、原單位之代表及關係人到場說明或以其他方式陳述意見，所為之說明應製作記錄。
申訴人得經申評會同意邀請家長、導師等關係人與律師列席會議。

Article 8

Generally, the review of the appeal shall be kept in closed session. At the conclusion of the consideration of the appeal, the Review Committee shall announce the outcome and the reasons for the judgment and of any remedial action to be taken. However, the Review Committee shall not announce or publish the name of any person or any other personal identifiable information related to the appeal.

The Review Committee may request the Appellant, representative of the original disciplinary authority and the persons concerned to attend the hearing and present his/her case, opinions or relevant information. The information presented should be recorded.

The Review Committee may, upon the request of the Appellant, allow the Appellant's parents, teachers and lawyers to attend the review hearing.

第九條 申評會之評議、表決及委員個別意見，應予保密。
評議之議決應有二分之一以上委員出席，出席委員過半數同意行之。
委員應親自出席評議會，不得指派或委託他人代理出席。

Article 9

The decisions, voting results of the Review Committee as well as each member's personal opinions shall be kept confidential.

Decisions are made by majority vote at the meeting attended by a majority of the members.

Members of the Review Committee shall attend the review hearing in person, and no proxy shall be appointed or authorized for any member.

第十條 申評會委員對申訴案件有利害關係者，應自行迴避，申訴人於申訴案開始評議前，亦得聲請該等委員迴避。
前項聲請由申評會會議決之。

Article 10

Any member of the Review Committee who has conflict interests or is a party to the appeal shall voluntary not review the appeal. The Appellant may file a motion of recusal prior to the beginning of review hearing.

The Review Committee shall make a decision to the aforementioned motion.

第十一條 就退學、開除學籍、足以改變其學生身分及損害其受教育機會或類此處分之申訴案件，於評議決定確定前，本校應依本校學則或相關規定通知學生得書面申請繼續在學校肄業。本校收到前項學生提出之申請者，應徵詢申訴案件處理單位之意見，並衡酌該生生活、學習狀況，於七日內以書面回覆，並載明學籍相關之權利與義務。

依第一項規定在校肄業之學生，本校除不得授給畢業證書外，其他修課、成績考核、獎懲得比照在校生處理。

Article 11

For the appeals with respect to any appeal against a disciplinary sanction of dropout or expulsion from the University, or any other similar decisions,, the University may allow, by its own judgment or upon written request by the student, the student to remain his/her student statue in the University before the conclusion of decision has been made by the Review Committee.

Upon receiving the written request of the student, the University shall consult the Review Committee for its opinions and take the student's living and learning conditions into consideration, and give the student a written response letter within 7 days. The response letter shall expressly state the relevant rights and obligations of a valid student status

For a student who is permitted to continue its student status in the University in light of paragraph 1of this Article, a diploma shall not be conferred upon him/her, while other activities including enrollment of courses, evaluation of academic achievements, rewards and punishments shall remain same as all the students at the school.

第十二條 評議決定書應包括主文、事實、理由等內容。不受理之申訴案件亦應做成評議書，其內容得不記載事實。
前項評議決定書並應依第十四條第一項或第十五條規定，記載不服申訴評議決

定之救濟方法。

Article 12

A written review decision shall contain the holding, facts and reasons. A written decision shall also be made for the rejection of an appeal with no entry of facts is required in it.

The aforementioned written review decision shall provide the Appellant with further relief measures applicable him/her if he/she is dissatisfied the decision of his or her appeal in accordance with Paragraph 1 of Article 14 or Article 15.

第十三條 評議決定書陳校長核定時，應副知原為懲處、措施或決議之單位。原為懲處、措施或決議之單位認有牴觸法令或窒礙難行者，應於收到評議決定書七日內，以書面敘明具體事實及理由，陳報校長，並副知申評會；校長認為有理由者，得移請申評會再議，但以一次為限。惟如經申評會再議，仍維持原決議時，原處分單位應遵行；評議決定書經校長核定後應送達申訴人及原為懲處、措施或決議之單位，本校應依評議決定執行。

退學、開除學籍或類此處分之申訴案件，經評議確定維持原處分者，並依下列規定辦理：

- 一、修業證明書所載修業截止日期，以原處分日期為準。
- 二、申訴期間所修習科目學分，得發給學分證明書。
- 三、役男「離校學生緩徵原因消滅名冊」，於申訴結果確定後三十日內冊報。
- 四、退費基準依專科以上學校向學生收取費用辦法第八條及專科以上學校學雜費收取辦法第十五條規定辦理。

Article 13

When the written review decision is submitted to the Principle for his/her approval, a copy shall be provided to the original disciplinary authority. Where it is alleged that the decision of the appeal was not in accordance with the law and regulations or was difficult to be fulfilled for the original disciplinary authority, the original disciplinary authority shall present to the Principle a written statement expressly disclosing the facts and reasons, and send a copy to the Review Committee. If the President agrees, the Committee shall be requested to perform the only one additional review. If the original decision remains unchanged through such additional review as carried out by the Review Committee, the original disciplinary authority shall hold no objection to the decision. The review decision, upon being approved by the President, shall be served to the Appeler and the original authority making such punishments, measures or resolutions, and shall be implemented by the University accordingly.

The following provisions are provided to take care of the appeals in regard to

withdrawal from study, discontinuation of study or other similar sanctions where the original decision remains unchanged in spite of an additional review.

1. The date of the aforementioned original review decision shall be the study termination date to be disclosed on the Certificate of Study.
2. A credit certificate for the courses taken during the appeal period shall be issued.
3. "List of the Withdrawal-from-study Students for Whom Military Service Deferment Reasons Are Eliminated" shall be submitted to the military authorities within 30 days after confirmation of the review decision.
4. Refund of tuition shall be managed in compliance with Article 8 of the Regulations Governing the Charges Made by Colleges and Universities to Students and Article 15 of the Regulations for Tuition and Fees to Be Paid by Students in Colleges and Universities.

第十四條 申訴人就本校所為之行政處分，經向本校提起申訴而不服其決定，得自申訴評議書送達次日起三十日內，繕具訴願書，檢附本校申訴評議決定書，經本校向教育部提起訴願。
本校收到前項訴願書，應於七日內附具答辯書，並將必要之關係文件，送交教育部，並副知申訴人。
訴願決定或行政訴訟判決撤銷本校原退學、開除學籍或類此處分者，其因特殊事故無法及時復學時，本校應輔導其復學；對已入營無法復學之役男，本校應保留其學籍，俟其退伍後，輔導優先復學；復學前之離校期間並得補辦休學。
申訴人就本校所為之行政處分，未經學校申訴程序救濟，逕向教育部提起訴願者，教育部應將該案件移由本校依學生申訴程序處理。

Article 14

The Appellant, who is dissatisfied with the review decision of his/her appeal against a administrative sanctions from the University, is entitled to file an administrative appeal. The Appellant shall attach with the aforementioned review decision to his/her administrative appeal to the Ministry of Education via the University within 30 days after the day the review decision has been served on him/her.

After receiving the administrative appeal specified in the preceding paragraph, the University shall submit the administrative appeal together with a response answer and necessary relevant documents to the Ministry of Education within 7 days. The University shall promptly notify the Appellant of such submission.

If a student fails to return to school in time due to special circumstances when the administrative appeal decision or the administrative litigation vacate the original sanctions such as a disciplinary sanction of dropout or expulsion from the University, or any other similar decisions, the University shall provide counseling service for the student so as to assist him/her to resume study. For a draftee already enlisting in service and being unable to return to school, his student status shall be reserved until he is discharged from the military service. The student shall have the priority to receive counseling service and resume study as soon as completion of the military service. The period of absence before returning to school shall be granted with retroactive suspension.

In case that an Appellant files an administrative appeal against the administrative sanctions from the University to Ministry of Education directly instead of making his/her appeal to the University under the Procedures, the Ministry of Education shall transfer the case to the University and the appeal shall be proceeded under the Procedures.

第十五條 申訴人就本校所為行政處分以外之懲處、其他措施或決議，經向本校提起申訴而不服其決定，得按其性質依法提起訴訟，請求救濟。

Article 15

The Appellant, who is dissatisfied with the review decision of an appeal against a disciplinary sanction, other resolutions or decisions other than administrative sanctions, is entitled to file a law suit for relief pursuant to relevant law.

第十六條 學生因校園性侵害、性騷擾、性霸凌、校園霸凌事件提起申訴，依性別平等教育法及校園霸凌防制準則相關規定辦理。

Article 16

If a student files a complaint to campus events such as sexual assault, sexual harassment or sexual bullying and such case is subject to be handled in accordance with Paragraph 2, Article 28 of the Gender Equity Education Act, the case shall be reviewed and deal under the Gender Equity Education Act and relevant regulations.

第十七條 本辦法經校務會議通過，報請教育部核定後實施，修正時亦同。

Article 17

The Procedures are adopted by the University at the Academic Affairs Meeting and enacted upon the approval of the Ministry of Education. Any modifications made to the Procedures will be made in accordance as such.