

長庚大學學生申訴處理辦法

Student Grievance Regulation of Chang Gung University

100 學年度第一學期第二次校務會議通過
10th amendment approved by the University Affairs Council on December 15, 2011.
中華民國 101 年 1 月 18 日教育部臺訓(一)字第 1010008125 號函核定
10th amendment enacted upon Ministry of Education Order: Taixun (1)-1010008125, January 18, 2012.

第一條 目的

本校為維護學生生活、學習及受教權益，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，建立學生申訴制度，並據以審核學生申訴相關案件，特訂定「長庚大學學生申訴處理辦法」(以下簡稱本辦法)。

Article 1 (Purpose)

To ensure students' learning, living and educational rights as well as to promote campus harmony, Chang Gung University (hereinafter the University) has established student grievance policy and procedures in accordance with Article 33 Paragraph 4 of University Law on principles of student grievance resolution for college students, and promulgates the Student Grievance Regulation (hereinafter the Regulation).

第二條 適用範圍

學生、學生會或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，得依本辦法向學校提起申訴。

前項所稱學生，指本校對其為懲處、決議或其他措施時，具有學籍者。

第一項所指學生會或其他相關學生自治組織提起之申訴案件，應先經各該自治團體依照規章議決規定達成決議後始能提出。

Article 2 (Scope of application)

Students, student councils or other student governing organizations (hereinafter the Claimant) may file a grievance claim in accordance with the Regulation for any perceived inappropriateness or violation of regulations / policies of university disciplinary actions, measures or decisions that infringes upon the rights and benefits of the Claimant.

The Claimant should be enrolled at the University at the time of the university disciplinary actions, measures or decisions under disputes.

Student councils or other student governing organizations mentioned in Paragraph 1 should reach a consensus in accordance with the provisions of respective bylaws before filing a claim.

第三條 申評會組織

本校為處理申訴人所提申訴案件，應成立學生申訴評議委員會(以下簡稱「申

評會」)，評議申訴案件。

一 委員組成

(一)教師委員：由校長遴聘各學院教師一人及校內其他有關法律、教育、心理等專業教師三至七人。教師委員中未兼行政職務者，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。其中已擔任獎懲委員會委員或負責學生獎懲決定、調查之人員，不得再擔任申評會委員。

(二)學生委員：學生代表二人。

(三)申評會置主任委員一人，由校長遴聘，如遇主任委員不克出席會議，得由其指定委員一人代理主席主持會議。

二 任期規定

教師及學生委員均為無給職，任期一學年，連聘得連任。

三 調查小組

申評會得成立調查小組，由主任委員選派三至五位委員共同組成。

四 專責單位

由校長室指派專人負責相關行政作業。

Article 3 (The Review Committee organization)

The University shall establish the Student Grievance Review Committee (hereinafter the Review Committee) to review and resolve student grievance claims.

1. Composition of the Review Committee:

(1) Faculty members: President of the University shall appoint one representative from each college and 3 to 7 faculty members with professional backgrounds in law, education or psychology. No more than half of the members should hold administrative positions. Any gender should represent more than one third of the Review Committee. Members of the Student Rewards and Disciplinary Committee, or those involved in student disciplinary actions and/or investigations should be refrained from appointment.

(2) Student members: 2 student members shall be designated by the Student Union.

(3) The chairperson shall be appointed by the President. The chairperson may appoint one member as acting chairperson during absence.

2. Term of service

The term of service is one-year, without remuneration. Each member may be re-appointed without term limitations.

3. Investigation team

The Review Committee may launch an investigation team which is composed of 3 to 5 members appointed by the chairperson.

4. Administration

The Office of the President shall designate one staff in charge of relevant administrative work.

第四條 申訴規定及程序

- 一 申訴人對於本校之懲處、其他措施或決議不服者，應於收到相關懲處、措施或決議之次日起十日內，以書面向申評會提起申訴。惟申訴人因天災或其他不得歸責於己之事由，致遲誤上述申訴期間者，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。
- 二 申訴人應檢附相關之文件、證據等，並填具「長庚大學學生申訴書」（附件一），經導師、輔導老師或系主任簽名後，提交申評會辦理。
- 三 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。
- 四 申訴人向本校提起申訴時，同一案件以一次為限。
- 五 申訴提起後，申訴評議書送達前，申訴人得撤回申訴案。

Article 4 (Filing procedures)

1. The Claimant who objects to University disciplinary actions, measures, or decisions should submit a written claim to the Review Committee within 10 days (excluding the date of receiving) of receiving such an order. If the Claimant cannot follow the above submission timeframe due to natural disaster or event unaccountable by the Claimant, the Claimant may submit a claim within 10 days when the cause of deferment ceases to exist, with clear explanations of the cause. The grace period shall be honored within one year of the original date of disciplinary action.
2. The Claimant should fill out the “Student Grievance Form, Chang Gung University”, attached with supporting documents / evidence, have the form signed by the mentor, advisor or department chairperson, then submit the claim to the Office of the President.
3. Should the Review Committee reckon the grievance claim not in line with relevant regulations, but rectifiable, it should notify the Claimant to resubmit the application within 7 days of notification. The resubmission period should be excluded from the thirty-day review period.
4. The Claimant is restricted to filing only one claim for an event under dispute.
5. The Claimant may withdraw the grievance claim before the Notification of Resolution is delivered by the Review Committee.

第五條 申訴評議處理程序

- 一 申評會在接獲申訴人提出申訴案件十日內，得由調查小組先期調查，並審核受理與否；在作成不受理案件之決定前，除法規另有規定者外，應給予申訴人陳述意見之機會，並提經申評會同意始得做成決議及「不受理評議書」（只列主文和理由），並經陳報校長後，送達申訴人、原處分單位及本校相關部門。
- 二 申評會受理之申訴案件應於收到申訴書之次日起三十日內，完成評議，

- 並提出「評議書」，陳校長核定後送達申訴人、原處分單位及本校相關部門。必要時，得予延長，並通知申訴人。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件，不得延長。
- 三 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。
- 四 申訴評議決定書應載明下列事項：
- (一)申訴學生姓名、院系、年級等基本資料
 - (二)主文
 - (三)事實(不受理之申訴案件得不記載事實。)
 - (四)決議理由
 - (五)申評會主席署名
 - (六)評議決定日期
 - (七)附記：如不服本申訴決定，得於申訴評議書送達次日起三十日內，向教育部提出訴願；亦得依申訴案件性質依法提起訴訟。
- 五 就退學、開除學籍或類此處分之申訴案件，於評議決定確定前，本校得依職權或學生書面之申請，使學生繼續在學校肄業。
- 本校收到學生提出之申請者，應徵詢申評會之意見，並衡酌該生生活、學習狀況，於七日內書面回覆，並載明學籍相關之權利與義務；經學校同意在校繼續肄業者，除不得授給畢業證書外，其義務；其他有關修課、成績考核、獎懲得比照在校生處理。
- 六 申訴提起後，申訴人就申訴事件或其牽連事項，提出訴願或訴訟者，應即以書面通知學校，由學校轉知申評會。
- 申評會依前項通知或依職權知悉前項情事時，應停止評議，並以書面通知申訴人；於停止原因消滅後，經申訴人書面請求，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、開除學籍或類此處分之申訴案件，不適用上述之規定。
- 七 申訴案件之評議以不公開為原則，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陳述意見。
- 八 申評會之評議、表決及委員個別意見，應予保密。

Article 5 (Review procedures)

1. The Review Committee may designate a team for preliminary investigation and decides on whether the claim shall be reviewed, within 10 days of receiving an application. The Review Committee shall allow the Claimant the opportunity to state the assertions, unless otherwise noted by other regulations, before dismissing the application. The dismissal shall be consented by the Review Committee and Notification of Dismissal (with subjects and reasons stated) shall be reported to the President before being served to the Claimant, the accused body, and relevant offices.
2. The grievance claim shall be reviewed and resolved by the Review Committee within 30 days of receiving the application. The Notification of

Resolution shall be approved by the President before being served to the Claimant, the accused body, and relevant offices. When necessary, the review may be extended to a maximum of 2 months with notification to the Claimant. However, such extension is not applicable to claims involving expulsion, deprivation of student standings, or similar orders.

3. Member(s) of the Review Committee shall recuse themselves from reviewing the claim to avoid conflicts of interests. The Claimant may file a motion of recusal prior to the review process.
4. The Notification of Resolution shall include
 - (1) Claimant's name, affiliated program, and year of entrance,
 - (2) the subject of resolution
 - (3) facts (dismissal claims may be waived)
 - (4) rationales
 - (5) signature of the chairperson
 - (6) date of reaching the resolution
 - (7) note: the Claimant may appeal to the Ministry of Education, or file a lawsuit to the court if applicable.
5. In claims involving expulsion, deprivation of student standings, or similar orders, the University shall sustain the Claimant's enrollment by authority or written request of the Claimant before a resolution is reached by the Review Committee.

The University should consult with the Committee and take into consideration the living and learning situations of the student in replying to such a request. A notification shall be delivered to the Claimant within 7 days of the request, stating clearly relevant rights and obligations. For those with sustaining enrollment statuses, while withholding academic degree conference, all rules regarding class participation, performance evaluation and merits / disciplinary actions shall be applied as are other students
6. The Claimant should notify the University of any appeals or litigations regarding or relevant to the filed claim in writing, which shall be relayed to the Review Committee. The Review Committee should stop the review process upon acknowledging the facts, and notify the Claimant in writing. The review process shall resume upon written request by the Claimant when the causes of the interruption ceases to exist. If the resolution of the Review Committee is based fully or partially on the decisions of the appeal or litigation, the Review Committee should suspend the review process before the decision is reached and notify the Claimant in writing, and resume the review process once the causes of the suspension ceases to exist and notify the Claimant in writing.

This rule does not apply to claims involving expulsion, deprivation of student standings, or similar orders.
7. The review process is not open to the public in general, the Claimant,

representative(s) of the accused body, and stakeholders may be present to state their assertions or opinions.

8. The review process, voting and opinions expressed by the individual members of the Review Committee should be kept confidential.

第六條 評議效力

- 一 評議決定書應依申評會之組織及隸屬，經校長核定後，送達申訴人。評議書陳校長核定時，應知會原為懲處、措施或決議之單位。原為懲處、措施或決議之單位認為有抵觸法令或窒礙難行者，應於十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，並以一次為限。
- 二 評議決定經核定後，學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，應依下列規定辦理：
 - (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) 退費基準依教育部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 6 (Resolution enforcement)

1. The resolution by the Review Committee should be delivered accordingly to the President for approval before being delivered to the Claimant. The resolution should be sent to the accused body while awaiting the President's approval. Should the accused body reckon illegal or infeasible of the resolution, it shall provide a written statement detailing its assertions and facts to the President. If the President consented, the Review Committee shall review the claim again, but limited to once.
2. The University shall enforce the resolution(s) by the Review Committee upon approval. For disciplinary action(s) involving expulsion, deprivation of student standings, or similar orders sanctioned by the Review Committee, the ensuing administration shall,
 - (1) Uphold the last day of study as the original sanction on the Certificate of Study;
 - (2) Issue Credit Certificate(s) for courses taken during the grievance claim review period;
 - (3) For those deferring military services, enlist their names on the "Roster of cancellation of deferred military draft students" within 30 days of the resolution;
 - (4) Refund tuition fees and charges in compliance with Article 8 of the Regulations on Collecting Charges for Higher Education Students and Article 15 of the Regulations on Tuition and Fees for Higher Education Students.

第七條 訴願規定

- 一 申訴人就本校所為之行政處分，經向申評會提起申訴而不服其決定，得自申訴評議書送達之次日起三十日內，繕具訴願書，檢附申訴評議決定書，經學校送教育部提起訴願。
- 二 本校收到前項訴願書，應儘速附具答辯書，並將必要之關係文件，送交教育部。
- 三 申訴人就本校所為之行政處分，未經本校申訴程序救濟，不得逕向教育部提起訴願。

Article 7 (Administrative appeal)

- 1.If the Claimant is dissatisfied with the ruling of the Review Committee, he/she may file an appeal to the Ministry of Education in writing, attaching the Notice of Resolution, through the University within 30 days of receiving the Notice of Resolution.
- 2.The University should process the appeal expeditiously upon receipt; with a defense report and necessary relevant document(s) to the Ministry of Education.
- 3.The Claimant who is dissatisfied with the University disciplinary actions may not appeal to the Ministry of Education without following the University grievance review process.

第八條 非行政處分之救濟

申訴人就學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 8 (Other remedies)

The Claimant who is dissatisfied with the Review Committee's resolution on penalties, measures, or decisions, other than administrative sanctions by the University, may file suits to the court by the nature of the issue and plead remedy.

第九條 訴願及行政訴訟獲救濟之輔導

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，應輔導其復學；對已入營無法復學之役男，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。

Article 9 (Remedial assistance)

For appeal decisions or administrative litigation verdicts that overrule the Review Committee's resolution involving expulsion, deprivation of student standings, or similar orders, the University shall provide remedial assistance to the Claimant. For Claimants unable to immediately re-enroll due to

extraordinary circumstances, the University shall facilitate the re-enrollment process. For those conscripted, the University shall retain their student status and render priority for re-enrollment after discharged from the military. The period of absence from study prior to re-enrollment may be processed as suspension of study.

第十條 校園性侵害或性騷擾申訴案件之處理

學生因校園性侵害、性騷擾或性霸凌事件提起申訴，其屬性別平等教育法第二十八條第二項申請調查之性質者，依性別平等教育法相關規定處理。

Article 10 (Claims regarding sexual assault or harassment)

Claims regarding sexual assault, sexual harassment or sexual bullying, whose nature complies with Article 28, Paragraph 2 of the Gender Equity Education Act, shall be handled in accordance with the Gender Equity Education Act and relevant regulations.

第十一條 附則

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 11 (Annex)

The regulation shall be approved by the University Affairs Council and ratified by the Ministry of Education before being promulgated. Any amendments shall follow the same procedures.

長庚大學學生申訴書

年 月 日

| | | | | |
|--------|----|----------------------------------|----|------|
| 申訴學生姓名 | 性別 | 系（所）級 <small>（學生自治組織）</small> | 學號 | 聯絡電話 |
| | | | | |
| 聯絡地址 | | | | |
| 申訴案由 | | | | |
| 申訴理由 | | | | |
| 希望處理方式 | | | | |

一式一聯：申訴學生（學生自治組織）←班導師（輔導老師）←校長室←申評會

班導師（輔導老師）：

申訴人：

Student Grievance Form, Chang Gung University

| Name | Gender | Affiliated Program, Starting year | Student ID | Phone No. |
|---|--------|--------------------------------------|------------|-----------|
| | | | | |
| Corresponding Address | | | | |
| Major claim(s) | | | | |
| Please provide relevant facts and evidence that substantiate your claims | | | | |
| Proposed resolution(s) | | | | |

Mentor / Program Chair

Signature

Date

Claimant

Signature

Date

Sequence : Claimant → Mentor → The Office of the President → The Review Committee