

長榮大學獎助生權益保障處理原則

Chang Jung Christian University Student Scholarship and Grant Rights Regulations

依 106 年 5 月 18 日臺教高(五)字第 1060060939 號函訂定

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106.10.02 106 學年度第 1 學期期初校務會議通過

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1st Semester

108.06.03 107 學年度第 2 學期期末校務會議通過

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第一條 長榮大學(以下簡稱「本校」)為促進學生多元學習及協助學生安心就學，規範學校對於獎助生參與研究及服務等之學習範疇並保障獎助生權益，以符合大專校院培育人才之目的，特依據教育部「專科以上學校獎助生權益保障指導原則」訂定本處理原則。

Article I To promote diverse learning in students and allow them to pursue their studies with the peace of mind, regulate the learning scope of scholarship and grant students participating in research and services at the University, protect student rights and interests, and ensure compliance with the talent cultivation goals of colleges and universities, Chang Jung Christian University (hereinafter referred to as the University) has formulated the Regulations in accordance with the Guiding Principles for Protecting the Rights and Interests of Scholarship and Grant Students in Junior Colleges and Above issued by the Ministry of Education.

本處理原則所定獎助生，包括研究獎助生及附服務負擔助學生(以下簡稱獎助生)。

The scholarship and grant students referred to in the Regulations include students receiving research scholarships, grants and service based grants (hereinafter referred to as scholarship students).

第二條 本校應依大學法及專科學校法，尊重教師專業自主權並落實學生法定權益，在確保教學及學習品質之前提下，建構完整之學生權益保障法制。

Article II In compliance with the University Act and the Junior College Act, the University shall establish a sound regulation system for the protection of student rights and interests under the premise of respecting the professional autonomy of teachers, fulfilling the legal rights and interests of students and ensuring the quality of teaching and learning,

第三條 教學及學習為校園核心活動，在確保教學品質及保障勞動權益之原則下，本校相關單位應檢視獎助生之內涵、配合教學、學習相關支持行為之必要性及合法性，及學習與勞動之分際，以期教學、研究、學生學習及勞動權益保障取得平衡。

學校、教師或學生對於獎助生參與學習範疇之研究或服務活動是否構成僱傭關係有疑義者，應充分考量學生權益，並循本處理原則第十一條之管道解決。

Article III Teaching and learning are core campus activities. Under the principle of ensuring

teaching quality and protecting labor rights, relevant units of the University shall review the necessity and legality of scholarship and grant content and their relevance to teaching and learning support. Learning and labor shall be differentiated to ensure a balance between teaching, research, student learning and labor rights protection.

Schools, teachers or students who have questions about whether the research or service activities in the learning scope of students constitute an employment relationship should fully take into consideration the rights and interests of the students and resolve the questions in accordance with the principles outlined in Article XI of the Regulations.

第四條 本校獎助生參與以學習為主要目的及範疇之研究活動，或領取學校弱勢助學金參與服務活動之附服務負擔助學生等，非屬於有對價之僱傭關係；其範疇如下：

Article IV Research activities relevant to the purpose and scope of learning that students of the University participate in or the service activities of students receiving service based grants from the University shall not be on employer-employee terms. The scope of activities shall be as follows:

(一) 課程學習(參照原行政院勞工委員會一百零二年九月二日勞職管字第一〇二〇〇七四一一八號函規定)：

(1) Course learning (refer to the provisions outlined in Document Lao-chih-kuan-tzu No. 1020074118 dated September 2, 2013 of the former Council of Labor Affairs, Executive Yuan):

1. 指為課程、論文研究之一部分，或為畢業之條件。

1. Refers to a part of a course or thesis research, or a graduation requirement.

2. 前課程或論文研究或畢業條件，係學校依大學法、專科學校法授權自主規範，包括實習課程、田野調查課程、實驗研究或其他學習活動。

2. A pre-course, thesis research or graduation requirement that is independently set by the University in accordance with the University Act and Junior College Act, and includes internship courses, field survey courses, experimental research or other learning activities.

3. 該課程、論文研究或畢業條件應一體適用於本國學生、外國學生、僑生、港澳生或大陸地區學生。

3. Such a course, thesis research or graduation requirement shall be applicable to domestic students, foreign students, overseas Chinese students, Hong Kong and Macao students or Mainland students.

4. 符合前三目條件，未有學習活動以外之勞務提供或工作事實者。

4. Activities shall meet the first three conditions, and where students are not engaged in labor services or work outside of learning activities.

(二) 附服務負擔：指本校為協助弱勢學生安心就學，提撥經費獎助或補助學生，並安排學生參與學校規劃之無對價關係之服務活動。

(2) Service based grants: Refers to grants or subsidies provided by the University for disadvantaged students to allow them to pursue their studies with the peace of mind, where accompanying non quid pro quo service activities are arranged by the

University for the students referred.

前項獎助生，不包括受學校僱用之學生，及受學校指揮監督，並以獲取報酬為目的從事協助研究、教學或行政等工作，而應歸屬於有對價之僱傭關係之兼任助理。

The abovementioned students do not include students engaged by the University or supervised by the University for paid work such as assisting with research, teaching or administrative tasks. Such students shall be regarded as part-time assistants in a quid pro quo employment relationship.

第五條 研究獎助生，指獲研究獎助之學生為發表論文或符合畢業條件，參與與自身研究相關之研究計畫或修習研究課程，在接受教師之指導下，協助相關研究執行，學習並實習研究實務，以提升研究能力及發展研究成果為目的者。

前項歸屬學習範疇之研究獎助生，本校應踐行下列程序，始得認定：

Article V Research scholarship students refer to students who have received research scholarships to publish thesis or meet graduation requirement. The research projects of such students shall be relevant to their own research or the research course they are taking. They shall be under the supervision of their thesis advisors in relevant research implementation. The research activities shall be for the purpose of their study and research practice to enhance their research ability and develop the research outcome.

Scholarship grants for research students in the preceding paragraph shall be determined by the University in accordance with the following procedures:

(一) 研商程序：由校內負責統籌研究計畫事宜之單位邀集執行計畫之教師及一定比率學生代表，定期召開會議，共同研商取得共識。

(1) Discussion procedure: The University unit responsible for all matters pertaining to the overall coordination of research projects shall invite teachers who are implementing the projects and a certain percentage of student representatives to convene regularly for joint discussion and consensus.

(二) 訂定基本規範：依前項範疇及前款程序，研擬訂定全校性研究獎助生之要件及分流基本規範，作為系所及計畫單位執行之依據。

(2) Formulation of basic standards: In accordance with the scope and procedure in the preceding subparagraph, the requirements and basic standards for the distribution of University wide research grants for students shall be formulated to serve as the basis for implementations by departments and project units.

(三) 書面合意：執行時應經計畫單位或教師與學生在前款規範下，進行雙方書面合意為學習範疇。

(3) Written agreement: Based on the standards outlined by the preceding paragraph, project units or teachers shall obtain a written agreement from students that defines the scope of study in the project implementation.

第六條 附服務負擔助學生，指依教育部弱勢助學計畫領取助學金之學生，參與學校規劃以服務回饋為目的之活動，且領取之助學金與其服務時數非屬於有對價之僱傭關係者。

Article VI Service based grant students refer to students receiving subsidies in accordance with the Ministry of Education's grant programs for disadvantaged students. In reciprocity,

such students shall participate in service activities arranged by the University. However, the amount of grant received and the number of service hours shall not be a quid pro quo employment relationship.

本校應依教育部所定大專校院弱勢學生助學計畫相關規定辦理，並明確訂定附服務負擔助學生之服務活動範圍、獎助或補助金額及其他管理之相關事項，訂定章則並公告之。

The University shall comply with the relevant regulations set by the Ministry of Education for assistance program for disadvantaged students, clear statement of the scope of service activities, the amount of grants or subsidies and other matters pertaining to management, and formulate and announce such regulations.

第七條 本校於推動屬研究獎助生範疇之學習活動，應符合下列原則：

Article VII The promotion of learning activities for students in the research scholarship category shall comply with the following principles:

- (一) 該學習活動，應與第五條所定範疇有直接相關性為主要目的，並於授課或指導教師之指導下，經學生個人與指導教師同意為之。
- (1) The learning activities shall mostly be directly related to the scope defined in Article V. The activities shall be implemented under the guidance of the course instructor or advisor, and agreed upon by both the students and their instructors.
- (二) 本校應有明確對應之研究課程、論文研究指導等，並就其相關學習準則、畢業條件採計及獎助方式等予以明定且公告之。
- (2) The University shall have clearly defined corresponding research courses and thesis research guidance, and shall clearly formulate and announce the relevant study criteria, graduation requirements and grant methods.
- (三) 教師應有指導學生學習專業知識之行為。
- (3) Teachers shall guide students in the learning of professional knowledge.
- (四) 學生參與前開學習活動期間，得因學習、服務活動，支領獎學金或必要之研究或實習津貼或補助。
- (4) Students participating in the abovementioned learning activities may receive scholarship, necessary research or internship allowance or subsidy for their learning or service activities.
- (五) 獎助生參與學習活動，其權益保障或相關保險，應依大學法、學位授予法及相關法規規定辦理，並於校內學生相關章則中規範。
- (5) The protection of rights and interests or related insurance for scholarship students participating in learning activities shall be handled in accordance with the University Act, the Degree Conferral Act and other relevant regulations, and shall be regulated according to relevant University regulations for students.

針對獎助生從事相關研究或服務等活動期間，除原有學生團體保險外，應參照勞動基準法規定職業災害補償額度以加保商業保險方式增加其保障範圍，並由學校編列或教育部支應所需經費。

In addition to existing student group insurance, scholarship students engaged in relevant research or service activities shall be enrolled in commercial insurance to increase the

scope of their coverage. The coverage amount shall be based on the occupational compensation liability amount specified in the Labor Standards Act. This required fund shall be budgeted by the University or funded by the Ministry of Education.

研究獎助生於學習活動之相關研究成果著作權之歸屬，其認定如下：

Copyright for the research outcomes resulting from the research activities of research scholarship students shall be defined as follows:

- (一) 學生在校期間所完成之報告或碩、博士學生所撰寫之論文，如指導之教授僅為觀念指導，並未參與內容表達之撰寫，而係由學生自己撰寫報告或論文內容，依著作權法規定，學生為該報告或論文之著作人，並於論文完成時，即享有著作權（包括著作人格權及著作財產權）。
- (1) For reports, master's thesis or doctoral thesis completed by a student in the duration of his or her study at the University, if the advisor has participated only in conceptual guidance and is not involved in the writing of the content, and the content of the report or thesis is written by the student, then in accordance with the Copyright Act, the student shall have authorship of the report or thesis. Upon completion of the report or thesis, the student shall enjoy the copyright (including moral rights and intellectual property rights).
- (二) 前款報告或論文，指導之教授不僅為觀念之指導，且參與內容之表達而與學生共同完成報告或論文，且各人之創作，不能分離利用者，為共同著作，學生及指導之教授為報告或論文之共同著作人，共同享有著作權，其共同著作權（包括著作財產權及著作人格權）之行使，應經學生及指導之教授之共同同意後，始得為之。
- (2) For reports or thesis mentioned in the preceding subparagraph, if the advisor has participated not only in conceptual guidance but is also involved in the writing of the content and completed the report or thesis together with the student where the individual effort of the creation cannot be separated, then the work shall be regarded as being co-authored. Both the student and the thesis advisor shall be the co-authors of the report or thesis, and shall both have copyright. The joint consent of the student and thesis advisor shall be obtained for the exercise of the copyright (including moral rights and intellectual property rights).
- (三) 獎助生與指導之教授間，應事先就相關研究成果著作權之歸屬及事後權利行使方式等事項，達成協議或簽訂契約。
- (3) The scholarship student and the thesis advisor shall reach an agreement or sign a contract in advance on matters such as the copyright ownership of relevant research outcomes and subsequent exercise of rights.

學生於學習活動之相關研究成果之專利權歸屬，依專利法第五條第二項規定，學生自身為發明人、新型創作人、設計人之情形，對其所得之研究成果享有專利申請權，得依同條第一項規定向專利專責機關申請專利。但他人（如指導之教授）如對論文研究成果之產出有實質貢獻，該他人亦有被認定為共同發明人之可能。

Patent rights for research outcomes resulting from the learning activities of students shall be defined in accordance with Paragraph 2 of Article 5 of the Patent Act. If the

student is the inventor, utility model creator or designer, he or she shall have the right to apply for patent for the research outcome obtained, and may apply to a patent agency for a patent in accordance Paragraph 1 of the same Article. However, if another person (such as the advisor) has made a substantial contribution to the output of the thesis research outcome, then the said person may also be identified as a co-inventor.

第八條 為保障獎助生權益，本校依指導原則第九點訂定本處理原則，並公告之；本校各權責單位得就其內涵，依權責視業務需要另行訂定相關規範。

Article VIII To ensure the rights and interests of scholarship students, the University has formulated the Regulations in accordance with Point 9 of the Advising Principle, and announced the Regulations. Based on its business needs, each competent unit of the University may separately formulate relevant regulations in accordance with its authority and responsibilities.

第九條 除法律或法規命令另有規定外，本校應依本處理原則明定獎助生之學習範疇，於學校章則規定獎助學金、研究、實習津貼或補助相關事項，並依相關法令訂定處理程序；除依其章則規定核發獎助學金、研究、實習津貼或補助外，並督導所屬教師及校內單位予以遵循，以保障學生權益。

Article IX Unless otherwise provided by laws or regulations, the University shall define the learning scope of scholarship students in accordance with the principles of the Regulations, and shall stipulate the scholarship and grant awards, research and internship allowance or subsidy matters outlined in the University Constitution. The University shall also formulate implementation procedures in accordance with relevant laws and regulations. In addition to disbursing scholarship and grant awards, research and internship allowances or subsidies in accordance with the Constitution, the University shall also supervise its teachers and campus units to ensure compliance with regulations and protection of student rights and interests.

第十條 本校進用身心障礙學生擔任獎助生時，應參考身心障礙者權益保障法提供身障者多元支持之相關規定精神，並依特殊教育相關辦法及身心障礙學生個別化支持計畫相關措施辦理。

Article X When awarding scholarships to students with disabilities, the University shall refer to the spirit of the multiple supportive provisions outlined in the People With Disabilities Rights Protection Act, and shall comply with the Special Education Act and relevant measures of the Individualized Support Plan for students with disabilities.

第十一條 本校獎助生是否涉及僱傭關係之爭議，於爭議產生之次日起二十日內(寒暑假期間應於三十日內)得以書面向本校「學生申訴評議委員會」提起申訴。

Article XI In case of disputes over whether the University's scholarship students are involved in an employment relationship, a written complaint may be filed within 20 days from the day the dispute (or within 30 days during winter and summer vacations) with the Student Grievances Committee of the University.

第十二條 本校應依本處理原則所定認定基準，定期盤點及明確界定現有校內獎助生之類型及人數，並依本處理原則規定提供學習相關保障措施。

Article XII The University shall conduct regular inventory and clearly define the types and

numbers of scholarship students in the University in accordance with the criteria set in the Regulations, and formulate learning related safeguard measures in accordance with the provisions set in the Regulations.

第十三條 有關學校僱用學生協助或參與教師執行研究計畫所產出相關研究成果之著作權歸屬，依著作權法規定辦理。但契約約定以僱用學生為著作人者，從其約定。

Article XIII The copyright ownership of research outcomes produced by students employed by the University to assist with or participate in research projects implemented by teachers shall be handled in accordance with the provisions of the Copyright Act. However, if the contract stipulates that the employed student is the author, then the contract shall prevail.

第十四條 本處理原則適用對象為具有本校學籍之學生，包含外籍生及僑生。前項學生如辦理休學時，自休學核准日起，不得擔任。

Article XIV This Regulation is applicable to students with student status in the University, and includes foreign students and overseas Chinese students. If the students mentioned in the preceding item apply for a leave of absence from school, they shall not be eligible for employment as of the date of approval for the leave.

第十五條 執行單位於每月最後一個工作天提交當月獎助生名單至教學資源中心。

Article XV Implementing units shall submit a list of scholarship students to the Teaching and Learning Promotion Center on the last working day of each month.

第十六條 本處理原則經行政會議、校務會議通過後實施，修正時亦同。

Article XVI The Regulations are implemented upon approval by the Administrative Meeting and the University Affairs Meeting; the same procedures shall apply to any amendments.