

長榮大學學生申訴案件處理辦法

Chang Jung Christian University Regulations Governing Student Complaints

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95.06.08 94 學年度第二學期期末校務會議通過
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第一條 為保障學生學習、生活與受教權益，增進校園和諧，長榮大學(以下簡稱本校)依大學法第三十三條第四項暨本校組織規程第三十五條之規定，訂定「學生申訴案件處理辦法」(以下簡稱本辦法)。

Article I: The “Regulations Governing Student Complaints” (hereinafter referred to as “The Regulations”) were instituted in accordance with Paragraph IV, Article XXXIII of the University Act and Article XXXV of the Articles of Organization of Chang Jung Christian University for the protection of the rights of students in learning, living and receiving education, and for the creation of a harmonious environment on campus.

第二條 本校學生、學生會及其他相關學生自治組織(以下簡稱申訴人)對於學校之懲處、其他措施或決議，認為違法或不當，致損害其權利或利益者，得依據本辦法之規定提起申訴。

前項所稱學生係指學校對其為懲處、其他措施或決議時，具學籍者。

Article II: Students, student unions or other student self-regulatory organizations (hereinafter referred to as “the Complainant(s)”) who suggest the punishment, policies or decisions of the university are illegitimate or inappropriate the extent to which their rights or interests are violated may file complaints in accordance with The Regulations.

Students as referred to in the previous paragraph are those on the school roll at the time the university imposed the punishment, policies and other decisions.

第三條 本校為處理學生申訴案件，特成立「學生申訴評議委員會」(以下簡稱本會)。其業務由學生事務處辦理。

Article III: The university shall establish a “Student Grievances Committee” (hereinafter referred to as “The Committee”) for responding and handling complaints from students. The Office of Student Affairs shall administer the operation of The

Committee.

第四條 本會之組織，依下列規定辦理：

Article IV: The Committee shall be organized in accordance with the following procedure:

一、 本會置委員十七人，均為無給職，任期一學年，連選得連任之，其中未兼行政職務之教師不得少於委員總額之二分之一；任一性別委員應占委員總數三分之一以上，已擔任學生獎懲委員會委員或負責學生獎懲決定、調查之人員，不得擔任本會委員。

1. The Committee shall consist of 17 members whose duties are not remunerated. Each member shall have tenure of 1 academic year and may assume a second term of office if reelected. At least 1/2 of the members of the Committee shall be faculty members who also assume administrative duties, and at least 1/3 of the members shall be either males or females. Members of the Student Reward and Punishment Committee or responsible for the decision and investigation of rewards and punishment shall not be members of The Committee.

二、本會教師代表由學生事務長推薦候選名單，陳請校長圈選遴聘，其中需含法律、教育、心理等專長之教師。

2. Representatives of faculty members of The Committee shall be nominated by the Dean of Student Affairs subject to the final confirmation of the University President, and must include faculty members from the disciplines of law, education, and psychology.

三、本會學生代表產生方式由學生會推薦大學部代表三名；由各學院院長共同推薦研究生代表二名，均報學生事務處核備，並由校長聘任之。

3. The Committee shall include three representatives from undergraduate students recommended by the student union and two representatives from graduate students jointly recommended by the deans of the colleges. The list of candidates shall be reported to the Office of Student Affairs for reference filing subject to the final approval of the University President for the appointment to the position.

第五條 本會召集人由委員推舉教師委員擔任之，召開並主持本會之進行，召集人不克出席時，得指定本會之一委員為職務代理人代理。其餘委員應親自出席會議，不得指派或委託他人代理出席。

Article V: The members of The Committee shall elect a member from among the faculty appointed to The Committee as the convener to preside over the meetings of The Committee. In the absence of the convener, another member of The Committee shall be appointed to act as the proxy. The other members of The Committee shall attend the meetings of The Committee in person and shall not appoint or entrust a third party to attend the meetings.

第六條 本會開會應有委員二分之一(含)以上之出席，事項決議及評議書之決議，以參與表決之委員三分之二(含)以上同意後行之。

Article VI: The presence of at least 1/2 of the members is required for a quorum of a meeting of The Committee. Resolution and decision of the evaluation report by The Committee shall be passed by 2/3 of the members in the session.

第七條 本會得聘請醫學、法學、社會學、心理學、輔導學等之專業人士擔任調查委員或諮詢顧問，協助申訴案件之處理。

Article VII: The Committee may employ professionals in the fields of medicine, law, sociology, psychology, and counselling to act as the investigators or consultants to assist in the

processing of complaints.

第八條 學生、學生會及其他相關學生自治組織對於學校之懲處、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二十日內（寒、暑假期間，應於三十日內），以申訴書提列具體事實、理由及檢附相關資料向本會提起申訴。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本會申請受理評議。但遲誤申訴期間已逾一年者，不得為之。

申訴人就同一案件向學校提起申訴，以一次為限。

Article VIII: Students, student unions, and other student self-regulatory organizations who disagree with the punishment, policies, or decisions of the university shall file a complaint in writing with The Committee by specifying the detail and the reason of complaint, and attach related materials and information within 20 days (30 days in term breaks in the Summer and Winter) after the notification of punishment, policy, or decision. Complainants whose complaints are delayed due to natural disasters or any other reasons beyond their control shall explain to The Committee in writing within 10 days after the incident causing the delay is over and petition for acceptance of the complaints. If the delay is longer than 1 year from the deadline, no further complaint may be filed.

Each complainant may file the same complaint with the university only once.

第九條 學校於收到申訴書之次日起，應於三十日內完成評議，但寒暑假期間之申訴，得於次學期註冊日後一星期內完成評議。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，不得延長。

本會認為申訴書不合規定，而其情形可補正者，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 IX: The university shall complete the assessment within 30 days after receiving the complaint in writing. The assessment of complaints filed during term break in the Summer and Winter may be completed within one week after the registration day of the university in the next semester and may be deferred where necessary with notification to the complainant. The assessment of complaint may be deferred once only and the deferral may not be longer than two months. Complaints involving dropout, disqualification of students, or actions of the same kind shall not be deferred in completion.

The Committee may ask the complainant to revise the complaint if it is found to be nonconforming to requirements. In general, the complainant shall complete the revision within seven days of notice. The duration for revision will not be counted as time lapsed in the assessment period.

第十條 申訴案有調查或實地瞭解之必要時，得經本會決議，成立「調查小組」調查之。調查小組以三人至五人為原則。

Article X: If it is necessary to conduct an investigation or an on-site study on a specific complaint, The Committee may resolve to form a “Fact Finding Task Force” for this purpose. This task force shall consist of three to five members.

第十一條 申訴提起後，於申訴評議決定書送達前，申訴人得撤回申訴案。

Article XI: The complainant may withdraw the complaint after filing with The Committee before the delivery of the assessment report.

第十二條 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

書面通知學校，由學校轉知本會。

本會依前項通知或依職權知悉前項情事時，應停止評議，並通知申訴人；於停止評議原因消滅後，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、開除學籍或類此處分之申訴案件，不適用前二項規定。

Article XII: After filing the complaint, the complainant may file a petition or litigation on the complaint or matters pertaining to the complaint, and shall notify the university at once through which The Committee shall be notified.

Upon notice, or acknowledging the aforementioned petition or litigation within its authority, The Committee shall halt the assessment and notify the complainant. The Committee shall, after the cause of interrupting the assessment is eliminated, continue the assessment at the written request of the complainant and notify the complainant of the continuation of assessment in writing. The decision of the assessment in whole or in part shall be affected by the decision of the petition or the litigation as to whether the legality of the complaint could be substantiated. Before the decision of the petition or litigation, The Committee shall halt the assessment and notify the complainant in writing, and shall continue the assessment when the cause of interrupting the assessment is removed, and shall notify the complainant of the continuation of the proceeding in writing.

The requirements of the preceding two paragraphs are not applicable to complaints over the issues of dropout, disqualification or actions of the same kind.

第十三條 申訴案件之調查評議以不公開為原則，但得通知申訴人、原單位代表及與案件有關之其他人員列席說明、陳述意見或提出佐證資料。
評議時，非本會委員均請迴避。對申訴案件有關之關係人(導師、系所主管、輔導教官等)，亦請自行迴避。

Article XIII: The investigation and assessment of a complaint will be kept confidential. However, the complainant, representatives of the responding departments, and other parties pertinent to the complaint will be asked to a meeting for explanation, presenting of opinions, or providing supplementary evidence. At the time of assessment, personnel who are not the members of The Committee are requested to be excused. Parties related to the complaint (class tutor, dean of department and graduate schools, and education officers) shall be excused voluntarily.

第十四條 本會之評議、表決及委員個別意見，應予保密。

Article XIV: The assessment, decision, and opinions of individual members of The Committee shall be kept confidential.

第十五條 退學、開除學籍或類此處分之申訴案件，學校於評議決定確定前，得依職權或依學生書面之申請，使學生繼續在校肄業。

學校收到前項學生提出之申請者，應徵詢本會之意見，並衡酌該生生活、學習狀況於一週內書面答覆，並載明學籍相關之權利與義務。

Article XV: If the complaint involves the decision of dropout, disqualification or actions of the same kind, the university shall allow the student to complete their studies in the school under its authority or as per the written request of the student before the decision of The Committee after the assessment.

Once the university receives the written request from the student, it should seek the opinion from The Committee and based on the student's life style and studying progress, reply in written format within a week, stating the rights and obligation of

the student.

第十六條 依前條申訴經學校同意在校肄業者，學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 XVI: In continuation of the previous article, students who have been approved by the university to complete their studies in school shall be entitled to take courses, academic scoring, rewards and punishment as other students except that no graduation diploma will be conferred.

第十七條 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決定書，其內容得不記載事實。
前項評議決定書並應依第二十條第一項或第二十一條規定，記載不服申訴評議決定之救濟方法。

Article XVII: The notice of decision of assessment will consist of a text, the factual accounts, and the reasons of the judgment. Complaints not being substantiated in the assessment will also be replied to with a notice of decision but the factual account is not required to be included in the content.

The aforementioned notice of decision of the assessment shall contain information on the remedy for disagreement on the decision of assessment as per the requirements Paragraph 1 of Article XX and XXI.

第十八條 評議決定書應按本會設置之組織與隸屬，經校長核定後，送達申訴人。
本會做成評議決定書陳校長核定時，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與法規抵觸或事實上窒礙難行者，應以書面列舉具體事實與理由陳報校長，並副知本會，校長如認為有理由者，得移請本會再議，並以一次為限。

Article XVIII: The notice of decision of assessment shall be subject to the approval along the line of authority of The Committee and the final approval of the University President and delivered to the complainant.

In reporting to the University President on the decision of assessment, The Committee shall notify the responding departments of punishment, policy or decision in the complaint. If the responding department of punishment, policy or decision in the complaint suggests that the decision is contradictory to applicable laws or is unenforceable, they shall report to the University President with evidence in writing and notify The Committee. The University President shall return the case to The Committee for a second assessment where necessary with reason. Decisions that have been made may be returned for a second review only once.

第十九條 評議決定經核定後，學校應依評議決定執行。

Article XIX: After decision of the assessment has been made and approved, the university shall enforce the decision as is.

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：

Complaints on dropout, disqualification or actions of the same kind with the decision of The Committee sustained after the second assessment will proceed as follows:

一、修業證明書所載修業截止日期，以原處分日期為準。

1. The date of completion of study as stated in the certificate of completion shall be the date of the original decision.

二、申訴期間所修習科目學分，得發給學分證明書。

2. A certificate for proof of the credits earned in classes by the students throughout the duration of the complaint shall be issued.

- 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。
3. Students who were exempted from conscription temporarily shall be enlisted on the “Roll of Students for Deferred Conscription” within 30 days after the decision of the complaint.
- 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。
4. Refund of tuition shall be made pursuant to Article VIII of the Regulations Governing the Collection of Fees from Students at Schools of Higher Education and Article XV of the Regulations Governing the Collection of Tuition and Miscellaneous Fees at Schools of Higher Education”.

第二十條 申訴人就學校所為之行政處分，經向學校提起申訴而不服其決定，得自申訴評議決定書送達次日起三十日內，繕具訴願書，檢附學校申訴評議決定書，經學校向教育部提起訴願。

學校收到前項訴願書，應附具答辯書，並將必要之關係文件，送交教育部。

申訴人就學校所為之行政處分，未經學校申訴程序救濟，逕向教育部提起訴願者，教育部將該訴願案移回本校時，學校依學生申訴程序處理。

Article XX: Complainants who disagree with the administration action of the university and thereby filed a complaint with the university but still disagree with the decision may prepare a written petition to file with the Ministry of Education for a petition together with the notice of decision of assessment from the university within 30 days after the delivery of the notice of decision of assessment of complaint.

The university shall respond to the aforementioned petition upon receiving it, and forward related documents to the Ministry of Education.

For students who elect to skip the procedure of remedy with the university on the administrative decision of the university by filing a direct petition with the Ministry of Education shall proceed to the complaint procedure of the university for students if the Ministry of Education refers the case back to the university for action.

第二十一條 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 XXI: If the complainants disagree with the decision of the complaint of punishment, policy or decision beyond the administrative action of the university by The Committee, they may proceed to litigation by nature of the complaint and request remedy.

第二十二條 評議結果，如有建議補救措施者，應提出具體建議，提請學生獎懲委員會議追認及補救。

Article XXII: If the result of the assessment recommends remedial action, The Committee shall present a substantive recommendation to the Student Reward and Punishment Review Committee for recognition and for remedial action.

第二十三條 申訴人及證人如有虛構事實或偽造證據情事，一經查明，即另行加重議處。

Article XXIII: If the complainant and the witness fabricated the story or forged evidence, severe punishment will be imposed if the act of plagiarism is proven.

第二十四條 提出申訴之學生，應儘量利用本校現有師生溝通管道，以爭取個人權益，避免紛爭，促進校園和諧。

Article XXIV: Students who filed the complaint shall make the best use of the channels available for communication between the students and the faculty to fight for their individual

rights and interests, avoid disputes, and improve harmony on campus.

第二十五條 依訴願決定或行政訴訟判決撤銷學校原退學、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，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。
依訴願決定或行政訴訟判決，另為處分並同意學生復學者，應依本校規定完成撤銷退學程序。

Article XXV: If the ruling of the petition or administrative action indicated the revocation of the decision of dropout, disqualification or action of the same kind previously made, and the students concerned cannot resume their study in the university due to a particular reason, the university shall supervise them to return to school. For male students who have been drafted into military service, the university shall keep them on the school roll until their discharge from service, and they will be given first priority of returning to school. These students may be treated as students on a temporary leave of absence and shall complete the procedure after returning to school.
If the ruling of the petition or administration action indicated otherwise and the students concerned agree to return to school for study, proceed to the university regulations for revocation of the decision of dropout.

第二十六條 學生申訴制度應公告於學校網頁廣為宣導，使學生了解申訴制度之功能。
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 XXVI: The system of complaints for students shall be properly promoted on the web page of the university website so that students can properly understand the function of the system.
If a complaint from students is filed on charge of campus rape, sexual harassment, and sexual domination, proceed to the Gender Equality Education Act if it is a matter pertinent to Paragraph II, Article XXVIII of the Gender Equality Education Act where an investigation is necessary.

第二十七條 本辦法提經校務會議通過，報請教育部核定後實施，修正時亦同。

Article XXVII: The Regulations shall be subject to the resolution of the University Affairs Meeting and the approval of the Ministry of Education to come into full force. The same procedure is application to any amendment thereto.