

文藻外語大學學生申訴評議辦法

Wenzao Ursuline University of Languages

Regulations for Student Appeals and Review

民國89年06月29日校務會議通過 Approved at the University Affairs Committee on June 29, 2000

民國90年10月06日校務會議修正 Revised at the University Affairs Committee on October 6, 2001

民國94年06月25日校務會議修正 Revised at the University Affairs Committee on June 25, 2005

民國95年06月24日校務會議修正 Revised at the University Affairs Committee on June 24, 2006

民國96年06月30日校務會議修正 Revised at the University Affairs Committee on June 30, 2007

民國96年08月01日教育部台訓(二)字第0960114962號函核定 Ratified by the Ministry of Education letter Tai Hsun (2) Zi No. 0960114962 on August 1, 2007

民國98年01月10日校務會議修正 Revised at the University Affairs Committee on January 10, 2009

民國98年04月17日教育部台訓(二)字第0980059793號函核定 Ratified by the Ministry of Education letter Tai Hsun (2) Zi No. 0980059793 on April 17, 2009

102年09月06日校務會議修正通過 Revised and approved at the University Affairs Committee on September 6, 2013

民國102年9月30日校長核定配合學校改名大學修訂法規名稱 Revision of the title of the regulation by the President on September 30, 2013 as the college was changed into a university.

民國104年06月17日校務會議修正通過

Revised and approved at the University Affairs Committee on June 17, 2015

民國104年12月02日校務會議修正通過

Revised and approved at the University Affairs Committee on December 2, 2015

民國105年02月04日教育部臺教學(二)字第1050014720號函核定

Ratified by the Ministry of Education letter Tai Jiao Xue (2) Zi No. 1050014720 on February 4, 2016

民國108年06月12日校務會議修正通過

Revised and approved at the University Affairs Committee on June 12, 2019

民國109年01月03日校務會議修正通過

Revised and approved at the University Affairs Committee on January 03, 2020

第一條

文藻外語大學(以下簡稱本校)為保障學生權益、疏解糾紛、促進校園和諧、發揮教育功能,依據大學法、教育部大學及專科學校學生申訴案處理原則及本校組織規程,訂定文藻外語大學學生申訴評議辦法(以下簡稱本辦法)並設置學生申訴評議委員會(以下簡稱本會)。

Article I

To protect students' rights, resolve conflicts, promote harmony on campus and educate students, Wenzao Ursuline University of Languages (hereinafter referred to as "the University") has established the Regulations for Student Appeals and Review, Wenzao Ursuline University of Languages (hereinafter referred to "the Regulations") and the Student Appeals and Review Committee (hereinafter referred to as "the Committee"), according to the University Act, University and College Student Appeals Procedural Guidelines of the Ministry of Education and the University's organizational charter.

第二條 本會設委員十一至十三人，由下列人員組成，任一性別委員應占委員總數三分之一以上，且本會委員不得同時擔任學生獎懲委員會委員：

Article II. The Committee is composed of 11-13 members as specified below. Members of any gender must account for at least 1/3 of all members of the Committee. Members of the Committee may not serve concurrently as members of the Student Recognition and Discipline Committee.

一、 學生事務處代表一名。

A. One representative is from the Office of Student Affairs.

二、 教師代表四名：由各學院各推選一名擔任。其中兼任行政職務者（導師除外）不得超過教師代表總額二分之一。

B. Four faculty representatives: One of each college is elected. Those who concurrently hold administrative positions (except for tutors) shall not exceed one-half of the total number of teacher representatives.

三、 學生代表三名：由日間部學生會長、學生議會議長及進修部學生會主席代表參加。

C. Three student representatives: Director of the Day Division Student Union, Director of the Student Council, and Director of the Continuing Education Division Student Union should be present.

四、 專業人士三名：由校內外具醫學、法學、教育、社會學、心理學或輔導等領域之專家擇聘之。

D. Three professional representatives: Experts in the fields of medicine, law, education, sociology, psychology or counseling from within or outside the University are appointed to serve in the Committee.

五、 特殊教育學生申訴案件應增聘特殊教育學者專家、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二名。

F. Two consultants shall be additionally appointed for a special education student's case. An expert, scholar, parent representative or other professional of special education is eligible to serve on the Committee.

第三條 本會委員及顧問均為無給職，任期一年，連選得連任。

Article III. Members and consultants of the Committee serve without being paid for one-year renewable term.

第四條 本會臨時召集人由學務長擔任，主席選出後，由主席主持會議。

Article IV. The Dean of Student Affairs serves as the interim Chairperson of the Committee until the Chairperson is elected. The Chairperson presides over meetings.

第五條 本會主席由教師代表擔任，委員推選產生，連選得連任，主席為會議召集人。

Article V. The Chairperson of this Committee shall be a faculty representative elected by the Committee members. The Chairperson's term can be renewed. The Chairperson is the Committee convener.

第六條 本會業務由學生事務處諮商與輔導中心承辦，諮商與輔導中心主任為本會執行秘書，負責本會之行政庶務。

Article VI. The administrative matters of the Committee are handled by the Counseling Center of the Office of Student Affairs. The Director of the Counseling Center holds the position of Executive Secretary and is responsible for handling administrative work of the Committee.

第七條 申訴要件：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，得依本辦法規定，向本校提起申訴。

前項所稱學生，指本校對其為懲處、其他措施或決議時，具有學籍者。

Article VII Appeal submission: Students of the University, student associations or other student unions (hereinafter referred to as "the Appellant") may appeal to the University in accordance with the Regulations if they feel their rights have been infringed upon by the disciplinary action, measures or resolutions of the University, or if they believe that the University's decision has violated the law.

The term "students" referred to herein are individuals who have student status at the time of the disciplinary actions, measures, or resolutions.

第八條 學生於收到學校對於個人生活、學習獎懲處分書，或學生會及其他相關學生自治組織受到學校之懲處或其他措施及決議事件後，如有不服，應自通知送達之次日起十日內，以書面向本會提出申訴，逾期不受理。

前項規定於特殊情形確實影響學生權益重大者，或申訴人因不可抗力致逾期限者，得向本會釋明理由，請求許可。

Article VIII. If any student (regarding personal life or academic performance), student union or other related student organization is unsatisfied with disciplinary actions, other measures or decisions taken by the University, a written grievance may be submitted to the Committee within 20 days after the day on which the notice of the disciplinary action arrived. Late submission will not be accepted.

If extraordinary circumstances prevent the Appellant from submitting within the

prescribed period, the Appellant must present a statement of reasons to the Committee and request permission to submit the appeal.

第九條 申訴書應記載申訴人姓名、學號、系(科)別、年級、住址、申訴之事實及理由、希望獲得之補救，並應檢附有關之文件及證據；申訴人為學生會及其他相關學生自治組織者，應於申訴書上記載組織名稱、代表人、申訴之事實及理由、希望獲得之補救，依本會申訴書檢附相關文件辦理之。

The written appeal should include name, student ID number, department, year, address, reason for submitting the appeal, remediation sought, and relevant documents and evidence. The appeal submitted by student associations or other related student unions should include name of association / union, names of representatives, reason for the appeal, remediation sought, and relevant documents and evidence. Student appeal and student association / union appeal forms are included in the appendix.

第十條 本會對逾期限之申訴案件，或顯然應由法院審判之事件提出申訴者，不予受理。惟申訴案件逾越期限，但情形特殊，不予救濟顯失公平者，本會仍得建議補救措施。

Article IX. This Committee does not accept appeal cases that have exceeded the prescribed time period or that are obviously matters that should be resolved by a court of law. However, under certain special circumstances, and/or when nonintervention may result in gross injustice, this Committee should still recommend remediation measures.

第十一條 本會就書面資料評議，會議不公開舉行，得通知申訴人、原處分單位之代表及關係人到會說明。如其逾越申訴範圍，應以做成評議決定書駁回，並建議處理方式。

本會如認有必要時，得成立調查小組，推派 3 至 5 人為之。

Article X. The Committee reviews written documents and does not hold open meetings. The Committee may request the presence of the Appellant, a representative of the unit imparting the disciplinary action and other interested parties. If the appeal is beyond the jurisdiction of the Committee, the Committee should compose a decision document turning down the case and recommending ways to resolve it.

When reviewing the appeal application, if deemed necessary, an investigation team of 3 to 5 people can be appointed upon the resolution of the Committee.

第十二條 申訴提起後，申訴學生就申訴事件或其牽連之事項，提出訴願、民事訴訟、刑事訴訟或行政訴訟者，應即以書面通知本校申訴評議委員會，本會應即中止評議，俟訴訟終結後續議，惟退學與開除學籍之申訴不在此限。

- Article XI. During the appealing process, should a student present a complaint, administrative lawsuit, civil lawsuit, or criminal lawsuit of the appeal case or other related matters, the Committee should be notified in writing. When the Committee learns of the fact, it should suspend deliberations of the appeal case until the lawsuit has concluded. Appeals related to expulsions and revocations of student status are excluded.
- 第十三條 本會收件後，除有應不受理或終止評議情形外，應於接獲申訴書後兩週內召開會議，並於二十日內完成評議，必要時得予延長，並通知申訴人。延長以一次為限，最長不得逾兩個月。但涉及退學、開除學籍或類此處分之申訴案，不得延長。
- Article XII. Unless the case is not accepted or deliberations must be suspended, the Committee should meet within two weeks after receiving the appeal document and reach a decision within twenty days. When an extension is necessary, the Appellant will be notified. Extensions are limited to one time for a maximum of two months. Appeal cases related to expulsions or revocations of student status may not be extended.
- 第十四條 申訴人就同一案件向學校提起申訴，以一次為限。
- Article XIII. For the same case, the Appellant can appeal only once to the University.
- 第十五條 委員對申訴案有利害關係者應行迴避，申訴人於申訴案開始評議前，亦得聲請該等委員迴避。前項之迴避由本會決議之。
- Article XIV. Committee members who are interested parties in the case should recuse themselves. Before deliberations, the Appellant may also make recusal requests, and it will be decided by the Committee.
- 第十六條 本會開會應有委員二分之一出席，評議決定應有出席委員三分之二同意。
- Article XV. At least one half of the committee members shall be present for its proceedings to be valid, and consent from at least two thirds of the committee members is required to pass a resolution.
- 第十七條 本會應對申訴案件提出討論並經評議，決議後擬定評議書由主席署名。本會之評議及表決、委員個別意見，應對外嚴守秘密；涉及學生隱私之申訴案，申訴人之基本資料應予保密。
- Article XVI. The Committee should discuss the case deliberately, and specify the final decision in a written document signed by the Chairperson. Deliberation, voting and opinions of individual committee members are kept in strict confidence. In appeal cases related to student privacy, the Appellant's basic information should remain confidential.
- 第十八條 評議決定書應包括主文、事實、理由等內容，如有建議補救措施者，並應提出具體建議，對不受理之申訴案件亦應作成評議書，惟其內容只列主文和理由。

Article XVII. The decision document should include the main text, facts and reasons as its content. Should there be recommendations for remedies, they should be stated in concrete terms. For appeal cases that are not accepted, the decision document should contain only the main text and the reasons for non-acceptance.

第十九條 處理退學或開除學籍學生之申訴依本法所述處理原則辦理，本處理原則未規定者，依其他相關法令規定。

Article XVIII. Appeal cases related to expulsions or revocations of student status are resolved according to the guidelines below. Matters not stated are resolved according to other relevant laws and regulations.

一、 本會依下列規定處理退學及開除學籍學生之申訴案件：

A. The Committee shall follow the guidelines below when reviewing appeal cases related to expulsions and revocations of student status.

(一) 本會就申訴案之資格審查，由全體評議委員共同審核之；審查期限以二星期為限。

1. When reviewing the eligibility of the parties involved in appeal cases, the Committee must do it as a whole. The maximum time for review is two weeks.

(二) 本會受理退學或開除學籍學生申訴案之結果，以次學期註冊前完成評議為原則。

2. Decisions regarding appeal cases involving expulsions and revocations of student status must be made before the end of the registration period of the following semester in principle.

二、 申訴學生於申訴期間之修業及學籍有關事宜依下列規定處理：

B. Academic credit and student status of students during the appealing process shall follow the guidelines below:

(一) 應予退學或開除學籍學生依本校申訴規範提出申訴並經受理者，申訴結果未確定前，原處分仍繼續有效，惟為保障尚未離校之申訴者受教權，其得繼續在校肄業。

1. Students, whose appeal cases have been accepted but pending, are still subject to the original disciplinary actions. However, to preserve their right to education, they are allowed to continue their studies at the University.

(二) 前揭申訴者不得發給畢業證書外，其他修課、成績考核、獎懲等得比照在校生處理，但相關事宜校規另有規定者，從其規定。

2. Students with appeal cases may not be granted diplomas but are treated in the same way as other enrolled students in their course work, assessments, commendations and disciplinary actions. If there are other relevant University regulations, those must be followed.

三、 對本會變更原處分之評議結果，應即執行，必要時得採補救措施，以維護學生權益。

C. Decisions made by the Committee to modify original disciplinary actions must be implemented immediately. When necessary, remedial measures should be taken to protect the rights of the students.

四、 對申訴結果係採維持原處分之申訴者，其修業、學籍等有關事宜依下列規定處理：

D. In appeal cases where the original disciplinary actions are upheld, academic credit and student status are handled in the following manner:

(一) 修業證明書所載修業截止日期以原處分日期為準。

1. The last day of attendance on the certificate of attendance shall be the date of the original disciplinary action.

(二) 申訴期間所修習科目學分，得發給學分證明書。

2. The University shall issue a certificate for credits completed during appeal procedures.

(三) 役男「離校學生緩徵原因消滅名冊」於申訴結果確定三十日內冊報。

3. Within thirty days after ratification of the decision document, male students who have not completed mandatory military service must report for duty.

(四) 退費標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之規定辦理。

4. Refunds are processed according to Articles VIII and XV of Guidelines for Tuition and Fees for College and University Students.

(五) 前述一、二項之規定以退學之申訴，經評議確定維持原處分者為限。

5. The two items above apply to expelled students for whom the Committee has decided to uphold the original disciplinary actions.

五、 退學或開除學籍學生依法提起訴願及行政訴訟，並經原處分上級主管機關決定或行政法院判決原處分顯係違法或不當時，學校應另為處分。

E. Students who are expelled or whose student statuses are revoked may raise appeals and administrative appeals. If a higher administrative unit or a court of law determines that the original disciplinary action was illegal or inappropriate, the University must impart different disciplinary actions.

六、 另為處分得復學之學生，因特殊事故無法及時復學時，應輔導其復學；

復學前之離校期間得補辦休學。

F. Students who are allowed but unable to return to the University due to extraordinary circumstances should be counseled to return. Withdrawal procedures should be completed retroactively for the time period before readmission.

七、 對申訴學生應訂定有效的輔導措施，加強生活、學習及生涯輔導。

G. Effective counseling strategies should be established for students who submit appeals in helping with their life, learning, and career development especially.

第二十條 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。

申訴評議書應附記教示義務：「如不服本申訴決定，得於申訴評議決定書送達後次日起三十日內，繕具訴願書，經學校檢卷答辯書後送教育部提起訴願」。

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

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，教育部應將該案件移由本校依學生申訴程序處理。

Article XIX. Appellants who are unsatisfied with the results of appeals regarding administrative action by the University may file an official appeal which includes the review decision document to the Ministry of Education via the University within 30 days after receiving the decision.

The review decision document must note that “if the Appellant is unsatisfied with the results of the appeal, he/she may file an official appeal along with the University’s response answer to the Ministry of Education via the University within 30 days after receiving the decision.”

After receiving the official appeal specified in the preceding paragraph, the University shall submit the appeal together with a response answer and necessary relevant documents to the Ministry of Education.

In the event that an Appellant directly files an appeal against the administrative action from the University to the Ministry of Education instead of making his/her appeal to the University under the university’s appeal procedures, the Ministry of Education shall transfer the case to the University and the appeal shall proceed under the student appeal procedures.

第二十一條 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 XX. The Appellant who does not accept the review decision of an appeal against a disciplinary action, other resolutions or decisions other than administrative action, is entitled to file a law suit for remedy pursuant to relevant law.

- 第二十二條 申訴人於本會未做成評議決定書前，得撤回申訴案。
- Article XXI. Before a decision document is finalized by the Committee, the Appellant may retract his or her appeal case.
- 第二十三條 評議決定 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，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。
- Article XXII. For students who cannot resume schooling due to special incidents after their expulsion, cancelation of student status, or similar punishments are rescinded through committee reviews, petitions and appeals, or administrative appeals, the University should assist them in the resumption of schooling. For conscripts who cannot resume schooling due to their military duties, the University should retain their student status until they are discharged and help them return to school first. Conscripts can also apply for suspension before resuming schooling.
- 第二十四條 評議書應經校長核示，並由本會送達申訴人及原處分單位。
- Article XXIII. The decision document should be reviewed by the University President and delivered by the Committee to the Appellant and the unit imparting disciplinary action.
- 第二十五條 本會之經費由學生事務處編列專款支應，工作人員由學生事務處調配之。
- Article XXIV. The expenses of the Committee are covered by the Office of Student Affairs through a special budget. Staff members are appointed by the Office of Student Affairs.
- 第二十六條 做成評議書，陳校長核定時，應副知原處分單位。原處分單位如認為評議決定牴觸法律或本校校務會議通過之相關辦法、或事實上窒礙難行、或與本校其他正式會議決議事項牴觸，應列舉具體事實及理由陳報校長，並副知本會。
- 校長如認為有理由，得移請本會再議，以一次為限。
- 評議書經完成行政程序後，學校應即採行。
- Article XXV. When the Committee's decision document is sent to the University President for ratification, a copy must be sent to the original disciplinary unit. If the original disciplinary unit deems that the Committee's decision contradicts established rules or regulations or has serious implementation impediments, it should state concrete reasons in a report to the University President. If the University President considers the original disciplinary unit's reasons sufficient, he or she may return the case to the Committee for further review. Second reviews can only be done once. After the decision document is ratified by the University President and has gone through the proper administrative procedures, the University must implement its contents.
- 第二十七條 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 XXVI. The Regulations become effective upon approval by the University Affairs Committee and ratification by the Ministry of Education. Revisions must follow the same procedures.