

國立清華大學學生申訴辦法

85.06.04 校務會議通過
85.11.21 校務會議通過
86.04.24 校務會議通過
86.12.02 校務會議通過
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教育部 104 年 6 月 18 日臺教學(二)字第 1040080043 號函核定

第一章 總則

第一條 國立清華大學(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，依據大學法第三十三條第四項及本校組織規程第二十五條相關規定，設學生申訴評議委員會(以下簡稱本會)，並訂定本辦法，其目的在於建立本校學生申訴制度，確保學生之權益。

第二條 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，得依本辦法之規定，向本會提出申訴。

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。

第二章 組織

第三條 本會置委員十三至十七人。其中學生委員任期一年，由學生自治組織推薦男女學生各二人擔任；研究所及大學部學生應至少各有一人。教師委員任期二年，由各學院及共同教育委員會於該單位委員任期屆滿時，分別推薦男女教師各一名，報請校長就中遴聘之；各學院及共同教育委員會應各有一人。另由以上委員推選法律、教育、心理學者專家擔任委員，共同組成之；亦得視申訴個案需求，於個案會期內推選增加具境外學生輔導經驗之臨時委員1人。委員中未兼任行政職務之教師不得少於總額之二分之一；任一性別委員應占委員總數三分之一以上。擔任學生獎懲委員會之成員或負責學生獎懲決定、調查之人員不得擔任本委員會之委員。

本會委員互選一人為主席，任期一年。

本會之行政工作由秘書處支援。

第三章 申訴提起

第四條 申訴人就同一案件向學校提起申訴，以一次為限。

第五條 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三十日內，以書面向本會提出申訴。

申訴人因不可抗力，致逾期限者，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。

第六條 申訴書應記載申訴人姓名、學號、系所及住址、申訴之事實及理由、希望獲得之補救(申訴書格式如附表)，並應檢附有關資料。

第四章 申訴評議

第七條 本會應於收到申訴書之次日起，三十日內完成評議；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，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。

第八條 本會之會議以不公開為原則。但開會時得通知申訴人、關係人及原處分單位之代表到會列席說明。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」為之。

第九條 申訴事件遇到當事人為本會委員時，或由當事人提出正當理由聲請本會委員迴避者，皆應迴避，該員等並不得計入全體委員人數之內。

第十條 申訴提起後，於申訴評議書送達前，申訴人得請求撤回申訴。而本會於評議期間得建議原處分單位對申訴人之處分暫緩執行。申訴案件若逾越受理申訴範圍，應以書面駁回之。

第十一條 申訴提起後，若申訴人、原處分單位及其他關係人就申訴事件提出訴願、民事、刑事、或行政訴訟者，應即書面通知本會。

本會獲知上情後，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。

退學、開除學籍或類此處分之申訴案不在此限。

第十二條 本會委員應親自出席會議，經委員二分之一以上出席始得開議；評議決定應經出席委員三分之二（含）以上之同意行之。

第十三條 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，學校得依職權或依學生書面之申請，使學生繼續在學校肄業。

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，於七日內以書面回覆，並載明學籍相關之權利與義務。

第十四條 依前點規定在校肄業之學生，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。

第五章 評議決定

第十五條 評議決定應記載事件之主文、事實、理由等內容，對於不受理之申訴案件亦應做成評議書，惟其內容只列主文和理由；評議書應送達申訴人及原處分單位。

前項評議決定書並應依第十八條第一項或第十九條規定，記載不服申訴評議決定之救濟方式。

第十六條 本會做成評議書，陳校長核定時，應知會原處分單位，原處分單位如認為有與法規牴觸或事實上窒礙難行者，應於三十日內，以書面敘明具體事實及理由，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（以一次為限），評議決定經核定後，學校應依評議決定執行。

第十七條 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。

第十八條 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，得自申訴評議書送達次日起三十日內，繕具訴願書，經學校檢卷答辯後送教育部提起訴願。訴願時並應檢附學校申訴評議決定書。

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，依教育部規定該申訴案移由學校依學生申訴程序處理。

第十九條 申訴人就學校所為行政處分以外之懲處、其他措施或決議，經向學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。

第二十條 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，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。

第二十一條 申訴事件之所有相關資料，由秘書處編訂卷宗以供結案後存檔。檔案內容除校長及本會主席外，不得查閱。校長及本會主席若為當事人亦不得查閱。

第二十二條 本會委員對本會之評議、表決及委員個別意見，應予保密。

第六章 附則

第二十三條 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。

第二十四條 本辦法由本會擬訂經校務會議通過，報請教育部核定後實施，修正時亦同。



National Tsing Hua University

Student Appeals

Established: June 4, 1996

Last updated: June 18, 2014

Chapter 1 General Provisions

Article 1 For the purpose of protecting students' learning, living and educational rights as well as to promote campus harmony, National Tsing Hua University (hereinafter referred to as NTHU) has established this guideline in accordance to University Law article 33 paragraph 4 and Articles 25 of the NTHU Rules of Organization and established a Student Appeals and Arbitration Committee (hereinafter referred to as the Committee) for handling Students' Appeals and protect Students' rights.

Article 2 Students, student councils or other autonomous student bodies (hereinafter known as the plaintiff) can file an appeal to the school in accordance with school appeal regulations and other relevant regulations if they perceive that school penalties, other measures or decisions are inappropriate or illegal and infringe upon the rights and interests of other people.

The previously mentioned students are students who were enrolled at the school at the time of the incident in question.

Chapter 2 Organization

Article 3 Committee has thirteen to seventeen members. Consisting of teachers and students, among which the members without administrative duties should be less than one second of total members, the gender member of each department should be more than one third of the total members. The student representatives have one-year term position and referred by autonomous student bodies which consist of two men and women from institute and graduate. The teacher representatives have two-year term position, consist of one men and women and referred by each faculty and common education committee and selected by chairman. The Review Board should include people with expertise in law, education or psychology. Depending on the appeal, a temporary committee member with international students counseling experience would be elected. Members of the Student Merit and Penalty Committee or people responsible for making student penalty or merit decisions or are in charge of student investigations cannot be members of the Committee.

The one year term of position of chairman is elected by the members.
Office of Secretariat Affairs shall be in charge of relevant administration work and procedure for the Review Committee.

Chapter 3 Appeal

Article 4 The plaintiff is restricted to filing only one appeal per case.

Article 5 Students, student councils and other autonomous student bodies not satisfied with the way the school has handled decisions should file an appeal within thirty days from the next day of receiving the school' s decision on the issue. The appeal should be submitted in paper to the Committee.

Should any natural disasters befall the complainant or should any unforeseen circumstances out of the complainant' s control cause the appeal to be filed past the deadline as described in the timeframe above, the deadline should be moved to ten days after the unforeseen even has ended. A detailed explanation of the unforeseen event should be submitted to the Committee to apply for the appeal to be processed. However, above mentioned regulations only apply for delays within one year. Appeals filed one year after the deadline will not be considered.

Article 6 The plaintiff should consist of name of the complainant/ Student ID/ Faculty and provide specific facts and evidence as well as attaching any other relevant information in the complaint report. The format of Appeal as attached.

Chapter 4 Arbitration

Article 7 The Committee shall complete the review within thirty 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 two 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 Committee find the appeal application not in line with the regulations, the plaintiff should be notified the appeal may be corrected and resubmitted within one week. This correction period is not included in the thirty-day review period

Article 8 The meeting is not open for public hearing, but the complainant, the original disciplinary authority and the pertinent parties shall be informed to attend the meeting and offer explanation. If on-site investigation is necessary for a petition case, upon the resolution of the Committee, an investigation team should be set.

Article 9 When the litigant of the complaint is the member of committee or the litigant propose proper reason that any member of the committee avoid the interference from the complaint, the specific member/ members should avoid making decisions. Further,

the one who avoid from the complaint cannot be count in the number of the total committee members.

Article 10 The appeal may be withdrawn after the appeal has been filed and before the paper copy has been submitted to the Committee. The committee, during the resolution discussion period, can suggest the original unit who give the punishment or operation probate the punishment or operations temporarily. If the complaint is beyond the committee' s range, the original unit should reject with proper written documents.

Article 11 Should the plaintiff decide to take legal action once an appeal has been filed, the plaintiff has to notify the school using a paper document as to who the litigant is, and the school is then required to pass this information on to the Committee. The Committee shall stop all proceedings regarding the appeal and inform the plaintiff after receiving the notification as described above. The appeal may proceed after all legal matters have been settled and the plaintiff notified. Appeals which involving expulsion, stripping away academic standing and other similar penalties does not enforced by this paragraph.

Article 12 Members of the Committee shall attend the review hearing in person. The review meeting should consist more than half of the members and result of the arbitration should be agreed by two-third or more.

Article 13 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.

Article 14 Appellants who are permitted to continue at NTHU in accordance with the above article shall not be awarded with a diploma upon the completion of their studies. Appellants however shall be granted the same rights and obligations to coursework, grades, rewards, and punishments at NTHU as enrolled students.

Chapter 5 Deliberations and Decision

Article 15 The report for the final appeal decision shall include the general body of the report, facts and reasons, etc. Appeals that are rejected before review must also issue a report but only list the general body and reasons. The final decision report shall be served to the plaintiff and the unit that issues the punishment. Previously mentioned decision report in the preceding paragraph shall be in

accordance with article 18 paragraph 1 or article 19 and include the reasons for rejection as well as ways to correct it.

Article 16 The report made by Committee shall send to chairman approval and served to the unit that issue the punishment at the same time. If the unit believes the result violates the rules or being inconsistent with the fact, it should present the specific facts on a reconsideration application to Chairman and a copy to Committee with thirty days after receiving a copy of the report. However, the reconsideration is limit to one time. After Committee made decision, the school must follow this decision in dealing with the case.

Article 17 In the case that decisions involving expulsion, reducing academic standing and other similar penalties are not overturned after the appeal, the following regulations shall be followed.

- a. The date in the proof of enrollment shall be the date of the original penalty.
- b. The school must provide proof of course credit for credits attained during the appeal period.
- c. Males eligible for conscription in the “delayed service due to further education registry” will be reported after thirty days of the final decision.
- d. Tuition will be refunded in accordance to Tuition for Undergraduates or abovementioned Schools Regulation article 8 and article 15.

Article 18 The penalties enacted by the school are administrative sanctions. Plaintiffs who are not satisfied with the school’ s appeal decision may appeal to the municipal government’ s education office. The plaintiff must provide the school’ s final appeal decision report.

In the case where the headquarters (under the municipal government) finds that the school did not follow protocol in processing the appeal, the headquarters (under the municipal government) shall process the appeal in accordance with the school’ s regulations.

Article 19 Plaintiffs not satisfied with the penalties, measures or decisions taken by the school unrelated to administrative sanctions shall appeal to the school in accordance with the regulations governing the nature of the appeal to request rectification.

Article 20 In cases where the plaintiff is unable to immediately re-enroll due to extraordinary circumstances after the decision for expulsion, and where stripping away of academic standing and other similar penalties have been overturned, the school shall assist the student in re-enrolling. For males already conscripted for military service, the school shall retain their place in the school and give priority for re-enrollment after military discharge. Administrative processes for a gap year must be completely for the period of absence before re-enrollment

Article 21 All the relevant information about the complaints is filed by the Office of Secretariat. All the cases will be stored in the archive after each complaint close.

After the case is closed, the contents cannot be viewed except the school principal or the chairman of the committee. If the principal and the chairman of the committee is the litigant of the complaint, then he/she is not allowed to view, either.

Article 22 The deliberations of the Evaluation Committee as well as the voting and opinions of the members should be kept secret.

Article 23 Students who file appeals due to on-campus sexual assaults, sexual harassment or sexual bullying, and whose appeals meet investigation criteria as stipulated in Item 2, Article 28 of the Gender Equity Education Act shall be processed according to regulations associated with the Gender Equity Education Act.

Article 24 These Guidelines were passed during an Academic Meeting and submitted to the Ministry of Education for authorization. They have been implemented with the approval of the Chairman, and the same shall apply to all subsequent amendments.