

文藻外語大學學生申訴評議辦法

Wenzao Ursuline University of Languages Guidelines for Addressing Student Grievances

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

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

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

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

民國 96 年 06 月 30 日校務會議修正 Amended at the University Affairs meeting 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 document Tai Hsun (2) Zi No. 0960114962 on August 1, 2007

民國 98 年 01 月 10 日校務會議修正 Amended at the University Affairs meeting 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 document Tai Hsun (2) Zi No. 0980059793 on April 17, 2009

102 年 09 月 06 日校務會議修正通過 Amended at the University Affairs meeting 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 Ratified by the University President for Change of Document Title in concert with the University's Name Change on September 30, 2013

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，依據大學法第 33 條第 4 項及本校組織規程第十九條第十一項規定設置學生申訴評議委員會（以下簡稱本會）。Article I. The Wenzao Ursuline University of Languages (hereinafter “University”) has established a Student Grievances Committee (hereinafter “Committee”) in order to protect students’ rights, resolve conflicts, promote harmony on campus and educate students. The Committee has been established according to item D of Article XXXIII of the University Act and item 19 of Article XI of the University’s organizational chart.

第二條 本會設委員十三人，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，且各委員不得同時擔任學生獎懲委員會委員：Article II. This Committee is composed of thirteen members as specified below. At least 1/3 of the members of this Committee must be of the same gender. Members of this Committee may not be concurrently members of the Student Conduct Committee.

一、學生事務處代表一名。A. One representative is from the Office of Student Affairs.

二、教師代表六名：由教學單位（含各系、所、中心）各推薦一名候選教師，並經全校教師普選產生。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. Six faculty representatives: Faculty representatives are elected from among all faculty members of instructional units (including departments, graduate institutes and centers). The number of representatives holding administrative positions (excluding homeroom teachers) may not exceed 1/2 of the total number of faculty representatives.

- 三、學生代表三名：由日間部學生自治組織推派二名及進修部學生自治組織推派一名代表參加。C. Three student representatives: Two student representatives are appointed by the Student Union of the Day Division and one student representative is appointed by the Student Union of the Continuing Education Division.
- 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.

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 is 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，負責學生申訴案之行政庶務。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 the administration of student grievance cases.

第七條 申訴要件：凡本校學生對本校有關其受教權益所為之處分認為違法或不當，致對其權益有所損害，經正常行政程序處理仍無法解決者，或學生會及其他相關學生自治組織，不服學校之懲處或其他措施及決議之事件，得依本辦法向本會提出申訴；前款所定學生乃指學校對其處分時，具學生身分者；如有關退學及開除學生之申訴案，適用本辦法之第十八條規定辦理；有關「性侵害或性騷擾」之申訴案件，應由學校「性別平等教育委員會」負責審議。Article VII. Grievance components: Wenzao students may submit grievances to this Committee if they believe that disciplinary action taken by the University against them has violated the law or their rights and the matter has remained unresolved after following regular administrative procedures. The term "student" refers to individuals who had student status at the time of the disciplinary action. Student associations or other related student government organizations may also submit grievances to this Committee if they are unsatisfied with the disciplinary action, other related measures, and/or decisions taken by the University. For the cases related to expulsion or revocation of student status, Article XVIII of these Guidelines shall be applied. For the cases related to sexual assault or harassment, the Gender Equality Education Committee

should be responsible for its deliberation.

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，應於次日起十日內，以書面向本會提出申訴，逾期不受理（但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，得向申評會聲明理由，請求許可）。Article VIII. Student(s), student associations or other related student government organizations who are unsatisfied with disciplinary action, other related measures and/or decisions taken by the University may submit a written grievance to this Committee within 10 days upon receiving notice of the disciplinary action. Late submissions will not be accepted. (If extraordinary circumstances prevent the petitioner from submitting within the prescribed period, the petitioner must present a statement of reasons to the Grievance Committee and request permission to submit the grievance.)

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，檢附有關之文件及證據後辦理之。（學生申訴書及學生自治組織申訴申請書之格式如附件）。Article IX. The grievance letter should include name, student ID number, department, year in academic program, address, reason for grievance, remediation sought, and relevant documents and evidence. Grievance letters submitted by student associations or other related student government organizations should include name of organization, names of representatives, reason for grievance, remediation sought, and relevant documents and evidence. (Student grievance and student organization grievance forms appear 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 X. This Committee does not accept grievance 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。處理特殊申訴案件時，應組成調查小組為之。Article XI. The Committee reviews written documents and does not hold open meetings. The Committee may request the presence of the petitioner, a representative of the unit imparting disciplinary action and other interested parties. Should the grievance be beyond the jurisdiction of the Committee, the Committee should compose a decision document turning down the case and recommending ways to resolve it. **When handling**

special grievances, an investigative team should be formed.

- 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，應即以書面通知學校申訴評議委員會，評議委員會應即中止評議，俟訴訟終結後續議，惟退學與開除學籍之申訴不在此限。Article XII. During the grievance process, should a student present a complaint, administrative lawsuit, civil lawsuit, or criminal lawsuit of the grievance 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 grievance case until the lawsuit has concluded. Grievances 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 XIII. Unless the case is not accepted or deliberations must be suspended, the Committee should meet within two weeks after receiving the grievance document and reach a decision within twenty days. When an extension is necessary, the petitioner will be notified. Extensions are limited to one time for a maximum of two months. Grievance cases related to expulsion or revocation of student status may not be extended.
- 第十四條 學生、學生會及其他相關學生自治組織就同一案件向學校提起申訴，以一次為限。Article XIV. Grievances submitted by students, student associations and other student organizations on the same matter are limited to one time only.
- 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 XV. Committee members who are interested parties in the case should recuse themselves. Before deliberations, the petitioner may also make recusal requests, and it will be decided by the Committee.
- 第十六條 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 grievance cases related to student privacy, the petitioner's basic information should remain confidential.
- 第十七條 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 grievance cases that are not accepted, the decision document should contain only the main text and the reasons for nonacceptance.

第十八條 處理退學或開除學籍學生之申訴依本文所述處理原則辦理，本處理原則未規定者，依其他相關法令規定。Article XVIII. Grievance 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、申訴評議委員會依左列規定處理退學及開除學籍學生之申訴案件：A. The Grievance Committee shall follow the guidelines below when reviewing grievances related to expulsions and revocations of student status.

1. 申訴評議委員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 eligibility of grievance cases, the Grievance Committee must do it as a whole. The maximum time for review is two weeks.
2. 申訴評議委員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 grievance 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左列規定處理：B. Academic credit and student status of students during the grievance process shall follow the guidelines below:

1. 應予退學或開除學籍學生依學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 grievance cases have been accepted but pending, are still the subject to the original disciplinary actions. However, to preserve their right to education, they are allowed to continue their studies at the University.
2. 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 grievances 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、對申訴評議委員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 Grievance 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、學籍等有關事宜依左列規定處理：D. In grievance cases that the original disciplinary actions are upheld, academic credit and student status are handled in the following manner:

1. 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.

2. 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 grievance procedures.
 3. 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.
 4. 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.
 5. 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 Grievance 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 have their student statuses 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 grievances in helping with their life, learning, and career development especially.

第十九條 教示義務：學校對於學生退學、開除學籍或勒令休學處分之申訴所作成之申訴評議書，應附記「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，經學校檢卷答辯後送教育部提起訴願」。Article XIX. Duty to educate: In decision documents of the cases that students are expelled, suspended or have their student status revoked, the University should include the statement “Students who are unsatisfied with the grievance decision may appeal to the Ministry of Education within thirty days after receipt of the decision document issued by the Grievances Committee.”

第二十條 申訴人於本會未做成評議決定書前，得撤回申訴案。Article XX. Before a decision document is finalized by the Committee, the petitioner may retract his or her grievance.

第二十一條 訴願：Article XXI. Appeals:

- 一、學生遭受退學或開除學籍之處分，經向學校提出申訴後未獲救濟者，得於收到申訴評議書之次日起三十日內，向教育部提起訴願。訴願時並應檢附學校申訴評議決定書。A. Students, who have been expelled or whose student status has been revoked and has not been reinstated after submitting a grievance, may appeal to the Ministry of Education within thirty days after receipt of the decision document. The University's decision document must be included when the appeal is filed.
- 二、有關學生不服退學或類似之處分，未經學校申訴途徑逕向教育部提出訴願者，教育部依規定須將該訴願案移由學校依照學生申訴程序處理。B. In student expulsions and the related matters, should a petitioner not submit a grievance to the University before submitting an appeal to the Ministry of Education, the Ministry of Education will refer the appeal to the University so that appropriate student grievance procedures can be followed.

第二十二條 訴願及行政訴訟獲救濟之輔導：Article XXII. Counseling services for the students whose grievances or administrative appeals have been successful:

- 一、依訴願決定或行政訴訟判決另為處分並同意學生復學者，其因特殊事故無法及時復學時，學校應輔導其復學；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。A. Students should be counseled to return to the University if the grievance decision or an administrative decision changes the disciplinary action and agrees to a student's return to the University even if extraordinary circumstances prevent a student's immediate return. For students who are serving mandatory military service, the University should maintain their student status and counsel them to return after military service. Withdrawal procedures should be completed retroactively for the time period before readmission.
- 二、依訴願決定或行政訴訟判決另為處分並同意學生復學者，應依照學校規定完成撤銷退學程序後。B. Expulsion procedures should be rescinded according to the University's regulations if a grievance decision or an administrative decision changes the disciplinary action and the student's readmission is accepted.

第二十三條 評議書應經校長核示，並由學生申訴評議委員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 Student Grievances Committee to the petitioner and the unit imparting disciplinary action.

第二十四條 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 Grievance Committee are covered by the Office of Student Affairs through a special budget. Staff members are appointed by the Office of Student Affairs.

第二十五條 本會做成評議書，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 Grievance 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 Grievance 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.

第二十六條 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. These Guidelines become effective upon approval by the University Affairs Committee and ratification by the Ministry of Education. Amendments must follow the same procedure.

