

國立屏東科技大學學生申訴案處理辦法
National Pingtung University of Science and Technology
Guidelines for Managing Student Appeal Cases

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第一條 Article 1

本辦法依大學法第三十三條第四項及本校組織規程第四十二條之規定訂定之。

These regulations are formulated in accordance with Paragraph 4, Article 33 of the University Act, and Article 42 of the University's Organizational Rules.

第二條 Article 2

學生、學生會及其他相關學生自治組織（以下簡稱申訴人）對學校之懲處、其他措施或決議，認為有違法或不當，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，係指本校對其懲處、其他措施或決議時，具有學籍者。但依性別平等教育法第三十四條、校園霸凌防制準則第二十七條對申復結果不服提起申訴者，不在此限。

Students, the student council, and other related student self-governing organizations (hereinafter referred to as "appellants") who believe that the school's disciplinary actions, other measures, or resolutions are illegal or improper and thereby infringe upon their rights or interests may file an appeal under these regulations.

The term "students" in the preceding paragraph refers to individuals holding student status when the school imposed disciplinary actions, measures, or resolutions.

However, appeals filed by Article 34 of the Gender Equity Education Act or Article 27 of the Guidelines for the Prevention of Campus Bullying are not subject to these provisions.

第三條 Article 3

為處理申訴人提起申訴案件，特設立本校學生申訴評議委員會(以下簡稱申評會)。

The university established the Student Appeals Review Committee (hereinafter referred to as the "Appeals Committee") to handle student appeal cases.

第四條 Article 4

申評會置委員十五人，均為無給職，任期一年，得連任，由校長遴聘本校具有法律、教育、心理專長之教職員代表十二人，及學生代表三人（學生會推派代表至少一人，其餘由各學院推派代表一人由校長遴聘）擔任。

前項委員任一性別委員應占委員總數三分之一以上，未兼行政職務之教師至少不得少於總額二分之一；擔任學生獎懲委員會之委員或負責學生獎懲決定、調查之人員，不得擔任申評會委員。

遇特殊教育學生申訴案應增聘至少二人與特殊教育需求情形相關之特殊教育學者專家、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，其任期不受第一項規定限制。

依前項規定組成之申訴評議委員會，為本校之特殊教育學生申訴評議委員會。特殊教育學生申訴評議委員會之會議召開、陳述意見、表決、評議決定及保密等規定，依特殊教育學生申訴服務辦法辦理。

The Appeals Committee consists of 15 unpaid members with a term of one year, eligible for reappointment. The university president appoints 12 representatives from the university's faculty and staff with expertise in law, education, or psychology and three student representatives (at least one appointed by the student council and the others nominated by each college and selected by the president).

At least one-third of the committee members must be of each gender. Faculty members not concurrently holding administrative positions must make up at least half the total members. Those serving on the Student Discipline Committee or involved in deciding or investigating disciplinary actions are prohibited from serving on the Appeals Committee.

For appeals involving special education students, at least two additional members with expertise related to special education needs (e.g., special education scholars, representatives of parents of students with special education needs, or other professionals in the field) must be appointed. These appointments are not subject to the term limitations outlined in the first paragraph.

The Appeals Committee formed under the preceding paragraph serves as the university's Special Education Student Appeals Review Committee. This committee handles meetings, deliberations, voting, decision-making, and confidentiality in accordance with the Guidelines for Special Education Student Appeals.

第五條 Article 5

申評會主席由委員互選之，並擔任召集人，召開並主持申評會之進行。

申評會得設常務委員會分三組輪值，其組成由五位委員為一組(其中一人為學生代表)，處理申訴案件初步審查工作，並於申評會議說明。

遇重大案件經校長核定，得委任律師擔任法律諮詢及繕寫申訴評議書。

前項律師之委任費用由學務處經費支出。

Its members elect the chairperson of the Appeals Committee, who serves as the convener and is responsible for calling and presiding over committee meetings.

The committee may establish an Executive Subcommittee consisting of three rotating groups, each comprising five members (including one student representative). These subcommittees handle the preliminary appeals review and report their findings at full committee meetings.

A lawyer may be appointed to provide legal consultation and draft appeal decisions for significant cases the president approves.

The budget of the Office of Student Affairs covers the lawyer's fees.

第六條 Article 6

申評會置執行秘書一人，由學生諮商中心主任擔任，相關行政作業由學生諮商中心專人辦理。

學生申訴書收件單位為學生諮商中心。

The Appeals Committee is staffed with one executive secretary, who is served by the director of the Student Counseling Center—designated staff from the centre handle related administrative tasks.

The Student Counseling Center serves as the office for receiving student appeal submissions.

第七條 Article 7

申評會開會時應有全體委員二分之一(含)以上出席，及出席委員三分之二(含)以上同意行之。但涉及開除學籍、退學或其他類此受教權益剝奪處分之申訴案決議，應有全體委員三分之二(含)以上出席，及出席委員三分之二(含)以上同意行之。

Committee meetings require the attendance of at least half of all members, and at least two-thirds must approve decisions of the attending members. For appeals involving expulsion, dismissal, or similar actions affecting students' educational rights, meetings require the attendance of two-thirds of all members and approval by two-thirds of the attending members.

第八條 Article 8

申訴及評議原則：

- 一、申訴人對於學校之懲處、其他措施或決議不服者，應於收到或接受相關懲處、其他措施或決議之次日起十日內，以書面向申評會提起申訴。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申評會申請受理評議。但遲誤申訴期間已逾一年者，不得為之。
- 二、申訴書應記載申訴人之基本資料、申訴之理由，希望獲得之補救及有關之文件及證據。申訴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。
- 三、申訴人在申訴程序中，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，由學校轉知申評會。
申評會依前項通知或依職權獲知上情後，應即停止評議，並通知申訴人；俟停止原因消滅後，經申訴人書面請求，申評會繼續評議，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、足以改變其學生身分及損害其受教育機會類此處分之申訴案件，不適用前二項規定。

- 四、申評案件之評議以不公開為原則，但得通知申訴人、原單位之代表及關係人到會說明或陳述意見。
- 五、相關各造經合法通知，無正當理由，不於規定之期間提出答辯、準時到會或詳細說明者，申評會得於衡酌資料及相關之證據後，逕為評議決定。
- 六、申評會應於收到申訴書次日起三十日內，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。
- 七、申評會之評議、表決、委員個別意見及申訴人基本資料，應予保密。
- 八、申訴案有調查或實地瞭解之必要時，得經申評會決議，推派三至五人成立調查小組為之。
- 九、申訴提起後，於申訴評議書送達前，申訴人得撤回申訴。
- 十、申訴人就同一案件向學校提起申訴，以一次為限。

Principles of Appeals and Review:

1. Appellants dissatisfied with the school's disciplinary actions, other measures, or resolutions must file a written appeal with the Appeals Committee within 20 days of receiving the related notification or decision.
Suppose the delay in filing is caused by natural disasters or other factors beyond the appellant's control. In that case, they may submit a written explanation within 10 days after the cause is resolved to request acceptance of the appeal. However, appeals submitted more than one year after the deadline will not be accepted.
2. Appeal submissions must include the appellant's basic information, reasons for the appeal, desired remedies, and supporting documents or evidence. If an appeal submission is incomplete but can be corrected, the appellant will be notified to make corrections within seven days. The correction period will not count toward the overall review period.
3. Suppose the appellant files an administrative appeal, civil lawsuit, criminal lawsuit, or administrative lawsuit related to the subject of the appeal. In that case, they must immediately notify the university in writing, and the university will forward the notification to the Appeals Committee.
Upon receiving such notification, the Appeals Committee will suspend its review and notify the appellant. Once the reason for the suspension is resolved, the appellant may request in writing to resume the review, and the committee will notify the appellant to continue the review process.
Appeals involving expulsion, dismissal, or similar actions affecting students' status or education opportunities are not subject to this provision.

4. Appeals are reviewed privately, but the appellant, representatives of the original unit, and related parties may be invited to provide explanations or opinions.
5. Suppose relevant parties fail to explain, attend meetings, or respond within the specified time without valid reasons. In that case, the committee may decide based on the available evidence and materials.
6. The committee must complete the review within 30 days of receiving the appeal submission. With notice to the appellant, extensions are allowed once, for a maximum of two months. Appeals involving expulsion, dismissal, or similar actions cannot be extended.
7. Deliberations, voting, individual opinions of members, and the appellant's personal information must remain confidential.
8. If an investigation or on-site verification is necessary, the committee may appoint a task force of 3 to 5 members to conduct the investigation.
9. Appellants may withdraw their appeal before the appeal decision is issued.
10. Appeals for the same case may only be submitted once.

第九條 Article 9

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，應依學則或相關規定以書面通知學生得向本校教務處申請繼續在校肄業。

學校收到前項請求後，應徵詢申評會之意見，並衡酌該生生活、學習狀況，於七日內以書面答覆，並載明學籍相關之權利與義務。

For appeals involving expulsion, dismissal, or similar actions, the university must notify the student in writing that they may apply to the Office of Academic Affairs to continue their studies until the review decision is finalized.

Upon receiving such a request, the university must seek the opinion of the Appeals Committee and respond in writing within seven days, specifying the student's rights and obligations regarding their enrollment status.

第十條 Article 10

申訴人依前條經學校同意在校肄業者，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。

Students permitted to continue their studies during the appeals process may attend courses, receive grades, and be subject to disciplinary actions as if they were regular students, except they cannot be issued graduation certificates.

第十一條 Article 11

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書，惟其內容得不記載事實。

前項評議決定書應依第十四條及第十五條之規定，記載不服申訴決定之救濟辦法。

Appeal decision documents must include a conclusion, facts, and reasons. Appeals that are not accepted must also be documented, but factual details may be omitted. The decision document must also include information on seeking further remedies if the appellant is dissatisfied with the decision.

第十二條 Article 12

申評會做成評議決定書陳校長核定時，應知會原處分單位，原處分單位如認為有牴觸法令或窒礙難行者，應於七日內以書面敘明具體事實及理由，陳報校長，並副知申評會；校長認為有理由者，得移請申評會再議，並以一次為限。

The original unit must be notified if the Appeals Committee' s decision is submitted to the president for approval. Suppose the original unit believes the decision violates regulations or is unfeasible. In that case, it must submit specific facts and reasons in writing to the president within seven days and notify the Appeals Committee. If the president finds the concerns valid, they may request the committee to reconsider, but only once.

第十三條 Article 13

申評會之評議決定書經校長核定後，學校應依評議決定執行。退學之申訴案件，經評議確定維持原處分者，其修業、學籍依下列規定辦理：

- 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。

退學、開除學籍或類此處分之申訴，經評議確定維持原處分者，其兵役、學費標準依下列規定辦理：

- 一、役男離校學生緩征原因消滅名冊於申訴結果確定後三十日內冊報，其兵役、退費依相關規定辦理。
- 二、退費標準依現行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。

The university must implement the decision once the president approves the Appeals Committee' s decision.

For appeals involving expulsion, if the decision upholds the original action, academic records and enrollment status are processed as follows:

1. The termination date on the certificate of studies is based on the original decision date.
2. Credits earned during the appeals process are documented in a credit certificate.

For appeals involving expulsion or similar actions, military service and tuition refunds are handled as follows:

1. The military enlistment list is updated within 30 days of the finalized appeal decision. Refunds and military service are handled per relevant regulations.

2. Refunds are processed by Articles 8 and 15 of the current Fee Collection Guidelines for Postsecondary Institutions.

第十四條 Article 14

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，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，應儘速檢附答辯書，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，未經學校申訴救濟程序救濟，逕向教育部提起訴願者，教育部應將該案件移由學校依學生申訴程序處理。

Appellants dissatisfied with the university's administrative decision after filing an appeal may submit a written administrative appeal to the Ministry of Education through the university within 30 days of receiving the decision. The university must forward the appeal and relevant documents to the Ministry promptly.

Suppose an appellant bypasses the university's appeal process and directly submits an appeal to the Ministry. In that case, the Ministry will refer the case back to the university to be handled through the student appeals procedure.

第十五條 Article 15

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。

For actions other than administrative decisions, such as disciplinary actions or resolutions, appellants dissatisfied with the university's decision after filing an appeal may seek remedies through litigation based on the nature of the case.

第十六條 Article 16

依評議決定、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，學校應輔導其復學；對已入營無法復學之役男，學校應保留其學籍，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。

Suppose an expulsion, dismissal, or similar action is annulled by an appeal decision, administrative appeal, or administrative court ruling, and the student cannot resume studies due to exceptional circumstances. In that case, the university must assist them in resuming their studies. For enlisted students unable to resume studies, the university must retain their enrollment status until discharge and provide priority assistance. During their absence, the university may retroactively approve leave of absence.

第十七條 Article 17

學生申訴制度屬學生權益救濟性質，應以學生個人權益直接不當侵害為前題，其他學生之陳情、建議、檢舉或不同意見之反應，應循本校各行政溝通管道為之。

學生因校園性侵害、性騷擾、性霸凌、校園霸凌事件提起申訴，依性別平等教育法、校園霸凌防制準則相關規定處理。

The student appeals system is a remedial mechanism for students' rights based on directly infringing individual rights. Other petitions, suggestions, reports, or feedback forms should be addressed through the university's administrative channels.

Appeals related to campus sexual assault, harassment, bullying, or related incidents are handled by the Gender Equity Education Act and the Guidelines for the Prevention of Campus Bullying.

第十八條 Article 18

本辦法經校務會議通過，報教育部核定後實施，修正時亦同。

These regulations are implemented upon approval by the university council and the Ministry of Education. Amendments follow the same procedure.