

中國醫藥大學學生申訴辦法

China Medical University Student Appeal Regulations

中華民國八十三年五月二十五日(83)生訓0 六八九號訂定

中華民國八十三年六月廿九日教育部台(83)訓0 三四0 二七備查

中華民國八十八年十月依教育部台(八八)訓(一)字第八八一一九八二六號函修訂報核

中華民國九十三年六月二十三日公發布「性別平等教育法」

中華民國九十五年六月十四日校務會議修正通過

中華民國九十九年五月十二日校務會議修正通過

中華民國九十九年六月一日教育部台訓(二)字第0 九九00 九二三0 三號同意核定

中華民國一百年十一月九日校務會議修正通過

中華民國一百年十二月廿九日臺訓(一)字第 1000232289 號同意核定中

中華民國一〇一年一月十一日校務會議修正通過

中華民國一〇一年二月一日臺訓(一)字第 1010013906 號同意核定

中華民國一〇五年六月二十二日校務會議修正通過

中華民國一〇五年十月五日校務會議修正通過

中華民國一〇六年一月三日臺教學(二)字第 1050185379 號同意核定

中華民國一〇一年四月二十七日校務會議修正通過

中華民國一〇一年十一月二日臺教學(二)字第 1110106285 號同意核定

中華民國一〇四年四月九日校務會議修正通過

中華民國一〇四年五月十四日臺教學(二)字第 1140046426 號同意核定

第一條 為保障學生學習、生活與受教權益，增進校園和諧，依據大學法第三十三條第四項、司法院大法官釋字第三八二號之意旨及本校組織規程第二十條規定，建立學生申訴制度，訂定本辦法。

The China Medical University (CMU or “the University”) Student Appeal Regulations (“the Regulations”) are formulated in accordance with the provisions set forth in Article 33, Paragraph 4 of the University Act, the Interpretation No. 382 of the Constitutional Court Reporter Interpretations, and Article 20 of the University’s Organizational Regulations to establish a student appeal system that will protect the rights and interests of students during their period of study at CMU.

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，得依本校學生申訴辦法，向學校提起申訴。前項所稱學生，定義如下：

- 一、指學校對其為懲處、其他措施或決議時，具有學籍者。
- 二、依性別平等教育法第三十九條第一項第三款對申復結果不服提起申訴者。
- 三、依校園霸凌防制準則第四十六條第三項及第四十八條對終局實體處理不服提起申訴者。
- 四、其他依學則及學校相關規定者。

Students, Student Associations, or other Autonomous Student Organizations (“the Appellant”) of CMU who believe that sanctions imposed by CMU, or its Units in regard to

their campus life, studies, or right to education have violated the law or their rights and interests may file a complaint with the University in accordance with the Regulations.

“Students” is defined as follows:

1. Those who are enrolled as a student at the time when the University imposed penalties, other measures, or resolutions against them.
2. Those who file an appeal against the result of the appeal in accordance with Article 39, Paragraph 1, Subparagraph 3 of the *Gender Equality Education Act*.
3. Those who file an appeal against the final decision in accordance with Article 46, Paragraph 3 and Article 48 of the *Campus Bullying Prevention Guidelines*.
4. Others as defined by the Academic Regulations and relevant school regulations.

第三條

本委員本校為處理申訴人所提申訴案件，設立學生申訴評議委員會（以下簡稱學生申評會），評議申訴案件，以確保學生合法權益。

前項學生申評會得指定學生事務處受理學生申訴案件，以及學生申訴業務。

To ensure students' rights, the Student Grievances Committee (SGC) is established to handle appeals by Students, Student Associations, or other Autonomous Student Organizations.

The SGC may also designate the Office of Student Affairs to handle student appeal cases.

第四條

申評會之組成，依下列規定辦理：

一、學生申評會置委員十一至十五人（其中學生代表三人），前項委員均為無給職，由校長遴聘之，其中應有具備法律、教育、心理之學者專家擔任委員。學生代表由研究生代表一人及學生會推派代表二人擔任委員。未兼行政職務之教師至少不得少於委員總數之二分之一；任一性別委員應占委員總數三分之一以上。

二、學生申評會委員任期一年，得連任之；臨時增聘之諮詢顧問任期以各該申訴案件之會期為限。

三、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。

四、學生申評會由副校長兼任召集人，委員會主席由委員互選，任期一年，連選得連任。召集人因故不能召集會議時，由主席召集之。

五、為處理特殊教育學生申訴案，就原設立之學生申訴評議委員會中，增聘至少二人與特殊教育需求情況相關之校外特殊教育學者專家、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。

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委員任期、會議召開、表決、評議決定及保密等規定，均依特殊教育學生及幼兒申訴服務辦法辦理。

The Student Grievances Committee (SGC) is established in accordance with the following regulations:

1. The SGC consists of 11 to 15 members (including 3 student representatives) appointed by the University president, including legal, educational and physiological scholars. Student representatives must include one graduate student and two students from the

Student Association. The number of teachers without administrative duties must not be less than half of the total members, and members of any gender must be more than one third of the total members.

2. The term of the SGC members is one year, and members may be re-elected. The term of temporary additional consultants is limited to the meeting period of each appeal case.
3. Individuals who have served as the Student Award and Penalty Committee, or those who are responsible for the resolution and investigation of student rewards and penalties, shall not serve as members of the SGC.
4. The convener of the SGC is the University vice-president, and the chairman shall be elected by the members for a one -year term and can be re-elected. If the convener is unable to chair the meeting, the chairman shall preside.
5. When dealing with appeals from students of special education cases, at least two off-campus special education scholars or experts, parent representatives, or other professionals related to special education shall be additionally appointed as members of the SGC.

The committee, which is formed in accordance with the provisions of the preceding paragraph, is the University's Student Grievance Committee for Special Education Students.

The appointment period of the committee members, meeting, voting, reviewing, and confidentiality regulations shall be handled in accordance with the *Regulations Governing Services Related to Special Education Students and Children Grievances*.

第五條 學生申評會開會應有委員三分之二(學生代表至少一人)出席，除評議決定書之決議，應有出席委員三分之二同意外，其餘事項之決議，以出席委員逾半數行之。委員應親自出席會議，不得指派或委託他人代出席。

SGC meetings require two-thirds of the total members (including at least one student member). All results and review reports of an arbitration require a two-thirds majority of the participating members to pass. Non-student arbitration matters before the SGC only require a simple majority of the participating members to pass.

SGC members should be present at each meeting, with no proxy voting allowed.

第六條 申訴人就同一案件向學校提起申訴，以一次為限。

The Appellant can only file an appeal with the school once for the same case.

第七條 委員對於申訴案件有利害關係者，應自行迴避，申訴人於申訴案開始評議前，亦得申請該等委員迴避。前項申請由學生申評會議決之。

Members of the committee who have an interest in the appeal case shall recuse themselves. An Appellant or the Unit that sanctioned the Appellant may also apply for the recusal of any

committee members. The facts and reasons for the recusal of the member(s) in the arbitration should be sent to the SGC.

The SGC shall resolve all issues surrounding the members participation in the arbitration process.

第八條 本校對於學生之獎懲通知書或與學生權益有關之措施，應附載申訴之期限和程序。
For students' reward/penalty notices or other measures related to students' rights, the University shall state the appeal deadline and procedures.

第九條 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，以書面向學校申評會提起申訴。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，於其原因消滅後二十日內，得以書面敘明理由向學校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。

If the Appellant is unsatisfied with the imposed penalties or other measures or resolutions taken by the University, a written appeal may be submitted to the SGC within 20 days from the day after receiving or accepting the relevant punishment, measure, or resolution. If natural disasters or other reasons not attributable to the Appellant prevent the Appellant from submitting within the given period, the Appellant must present a written statement to the SGC and request permission to submit the appeal within 20 days from the extinction of the cause. Submissions received after one year will be rejected.

第十條 學生因校園性別事件、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辦理。

If the complaint deals with gender-related incidents or bullying on campus, the Appellant's complaint shall be handled in accordance with the *Gender Equality Education Act* and the *Campus Bullying Prevention Guidelines*.

第十一條 學生、學生會及其他相關學生自治會組織申訴事項應以書面提列具體事實並檢附相關資料，以及簽定具結文（申請表如附件一、申請人具結書如附件二）。向學生申評會承辦人提出，遇特殊事件得當面向受理人員陳述報告，經作成文書後，由學生簽名為之。學生、學生會及其他相關學生自治會組織申訴同一案件以一次為原則。

The Appellant shall submit the appeal in written form and attach related materials and the signed affidavit to the SGC (see attachment 1 and 2). In cases of special incidents, the Appellant may present an oral report to the SGC person in charge and sign a written document when it is made available.

A case involving the same issue can only be appealed once.

第十二條 申評會於收到申訴書時，由召集人進行準備程序，必要時得由召集人邀請具法律或相關背景委員及學生委員等至少 3 名組成準備小組，進行準備程序。

準備程序應審查下列事項：

- 一、申訴之提起是否符合本辦法規定。
- 二、確認申訴爭議標的、事實及理由。
- 三、列席評議會議之關係人選。

四、繕具申訴書副本送原處分單位，必要時連同關係人，由其答復申訴之內容。

五、安排準備評議之其他相關事項。

申訴人及原處分單位均得提出關係人建議人選。

準備程序所為之準備事項，應列明書面記錄，並交由申評會承辦人承辦其中所列相關事項。其結果送交原處分單位及申訴人。

準備小組會議決議不受理案件，本會得經三分之二以上委員以通訊表決，且經全體委員過半數同意決議不受理者，本會作成不受理決定。

When the SGC receives an appeal, the convener shall initiate a preparatory procedure for the review. If necessary, the convener may invite at least three committee members (including student members) with legal or related backgrounds to form a preparatory team to carry out the preparation procedure.

The preparatory procedure should include the following items:

1. Determination of whether the appeal complies with the provisions of the Regulations.
2. Identification of the subject matter, facts, and reasons for the dispute.
3. Creating of a list of people who should attend the review meeting.
4. Ensuring that a copy of the appeal is sent to the Unit that sanctioned the Appellant, and the procurement of a reply by related persons to the appeal, if necessary.
5. Other matters necessary for the review preparation.

Both the Appellant and the Unit that sanctioned the Appellant may recommend candidates as related persons.

A list of all preparatory matters related to the case shall be submitted in written form to the SGC person in charge for processing. Both the Appellant and the Unit that sanctioned the Appellant shall be notified of the results of the review.

If the preparatory group meeting decides not to accept the case, the SGC may vote by more than two-thirds of the members (by correspondence), and if more than half of all members agree to reject the case, the SGC shall make a decision not to accept the case.

第十三條 學生申評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。申評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。

The SGC shall complete the review within 30 days after the appeal is received and, if an extension is necessary, notify the Appellant of the extension. Such extensions may only be granted once for a period of no more than two months. Appeals involving withdrawal or expulsion from the school or similar sanctions shall not be extended. If the appeal is not in compliance with the Regulations and can be amended, the SGC shall notify the Appellant to make corrections within 7 days. The correction period is not included in the 30-day review period.

第十四條 申訴案有調查或實地瞭解之必要時，得經學生申評會決議，推派三至五人組成調查小組為之。

The SGC may resolve to establish an investigative team, which in principle shall consist of three to five SGC members, to investigate the appeal.

第十五條 申訴提起後，申訴人於「評議決定書」送達前，得撤回申訴案，撤案具結書如附件三。

The Appellant may withdraw the case before the "review report" is handed down. The withdrawal affidavit is in attachment 3.

第十六條 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，得停止評議，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。

If a ruling on all or part of an appeal hinges on whether a legal relationship between the appeal and litigation has been established, the SGC may suspend the review before the conclusion of the appeal or litigation and notify the Appellant in writing; after the reason for the suspension is eliminated, the review shall resume upon notification by the Appellant, the original unit, or upon the Committee's own awareness, the SGC shall give written notice to the Appellant that the review may be resumed.

The provisions stipulated in the two preceding paragraphs do not apply to appeals against a dismissal, expulsion, or similar sanctions.

第十七條 申評會書面資料評議及會議內容，以不公開為原則。

申訴案件之學生申評會得通知申訴人、原單位之代表及關係人到會說明或以其他方式陳述意見。

All SGC reviews and meeting notes shall not be made public.

The SGC shall notify the Appellant, the Unit that sanctioned the Appellant, and other related persons of the review meeting and invite such parties to be present for an explanation or to state their opinions in other ways.

第十八條 學生申評會之評議、表決及委員個別意見，應予保密，涉及學生隱私之申訴案件，申訴人之基本資料應予保密。

The reviews, voting, and individual opinions of SGC members during meetings shall be kept confidential. For cases involving student privacy, the information of the Appellant shall also be kept confidential.

第十九條 就退學、開除學籍或類此處分之申訴案件，學生申評會於評議決定確定前，得依本校學則第五十一、五十二條規定：「不因申訴之提起，而停止原處分之執行；但在校生得繼續在校肄業，其修課、成績考核、獎懲得比照在校生處理。如學生已屆畢業時間，因該等處分涉及畢業成績中操行成績評核，則暫緩核發學位證書。」

學校收到前項學生提出之申請者，應徵詢學生申評會之意見，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。

Cases related to dismissal, expulsion, or similar sanctions that have not yet been resolved shall follow CMU School Regulation Article 51 and 52: "Any student whose appeal cases

have been accepted but are pending is still subject to the original sanction. However, the student is allowed to continue their study at the University and follow the same regulations as enrolled students on course work, assessments, rewards, and penalties. If the student is graduating, his or her diploma will not be issued due to the sanctions associated with the graduation performance grade.”

When the University receives an appeal from a student with conditions mentioned in the preceding paragraph, the University shall seek the opinions of the SGC, consider the student’s living and studying conditions, and reply to the appeal within 7 days in a written report that specifies the rights and obligations of the student.

第二十條 申訴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申訴評議決定書，其內容得不記載事實。
前項申訴評議決定書並應依第廿三條或第廿四條規定，記載不服申訴評議決定之救濟方法。

The review report shall include main text, facts, and reasons. For appeals that are denied, a review report must be prepared. In such reports, the facts may go unrecorded.

The review report shall record remedies for those who wish to dispute the appeal and the review decision in accordance with Article 23 and 24 of the Regulations.

第二十一條 申訴評議決定書應按學生申評會之組織及隸屬，經校長核定後，送達申訴人（法定代理人）及原處分單位。

申訴評議決定書呈校長核定時，應副知原為懲處、措施或決議之單位。原為懲處、措施或決議之單位如認為有法規牴觸或窒礙難行者，應於十日內，以書面敘明具體事實及理由，陳報校長，並副知學生申評會。校長認為有理由者，得移請學生申評會再議（以一次為限）。評議決定書經校長核定後，學校應即採行。

The review report made by the SGC shall be confirmed by the committee, submitted to the president for approval, and then served to the Appellant (or legal representative) and the Unit that sanctioned the Appellant.

If the Unit that sanctioned the Appellant believes that the ruling is in violation of any regulations or is inconsistent with the facts, it may submit a petition within 10 days that presents the specific facts of the case and its reasoning therefrom to the president for reconsideration and send a copy of the petition to the SGC. If reconsideration is deemed necessary, the president shall refer the petition to the SGC for reconsideration (limited to one time). The review report shall be effective upon approval by the president.

第二十二條 評議決定經核定後，學校應依評議決定執行。

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，其修業、學籍依下列規定辦理：

一、依本校學則第五十條規定：「退學之學生，其退學核准日以原處分日期為準，並核發修業證明書。」

二、依本校學則第五十三條規定：「開除學籍之學生，不發給有關學業之證明。」

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兵役單位。

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之規定辦理。

The appeal shall be adopted by the University upon completion of all administrative procedures.

If the SGC upholds the sanction in an appeal regarding dismissal, expulsion, or similar sanctions, it shall be handled as follows:

1. In accordance with the CMU School Regulation Article 50: "For student dismissal, the effective date shall be based on the date of the sanctioning. A certificate will be issued in accordance with the CMU School Regulation."
2. In accordance with the CMU School Regulation Article 53: "For a student with a dismissal, no certificate of study completion will be issued."
3. Pursuant to the *List of Deferred Enlistment Revocations for School-leaving Students*, draftees must report for military service within 30 days after the appeal result is confirmed.
4. Tuition refunds shall be issued in accordance with Article 8 of the *Regulations for Fee Collection for Colleges, Universities, and Institutes* and Article 15 of the *Regulations for the Collection of Tuition and Miscellaneous Fees for Colleges, Universities, and Institutes*.

第二十三條 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，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學校依學生申訴程序處理。

學校接到教育部轉移訴願案，應依本辦法第十三條規定時間內召開學生申評會，並將評議結果副知教育部。

If an Appellant who has undergone administrative sanctions by the University wishes to dispute the final review of the SGC, they may submit a petition with the appeal and the review report to the Ministry of Education within 30 days after the review was served in accordance with the law.

Upon receipt of the aforementioned petition, the University shall prepare a statement of defense with all due speed and submit the related documents to the Ministry of Education.

If an Appellant files an appeal to the Ministry of Education regarding the administrative sanctions of the University without requesting relief through its appeal procedures, the case will be transferred back to the University.

The University shall handle it in accordance with Article 13 of the Regulations and send a copy of the petition to the Ministry of Education.

第二十四條 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。

If an Appellant, who has filed an appeal with the SGC regarding penalties, measures, or resolutions other than administrative sanctions and has been rejected, wishes to dispute the final review, they may file a lawsuit requesting relief accordingly.

第二十五條 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，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。

If a dismissal or expulsion ruling is overturned or modified, thus allowing a student to resume their studies, but the student is not able to do so immediately for specific reasons, the University shall offer to assist the student in resuming their studies. The University shall retain the student status of draftees who have already reported for military service and therefore cannot resume their studies and assist them in resuming their studies after they are discharged; such students may be granted a suspension of studies during the leave period before they resume studies at the University.

第二十六條 學生申訴制度應列入學生手冊或網頁公告，廣為宣導，使學生了解申訴制度之功能。

The Student Appeal Regulation shall be included in the student handbook and be posted and announced on the University website for students' notice.

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。

The Regulations are subject to review and amendment by the University Council and the approval of the Ministry of Education. Further modifications of the Regulations follow the same process.

Where any discrepancy arises between the English translation and the original Chinese version, the Chinese version shall prevail.