

國立中山大學職員工申訴評議委員會設置及評議要點

Guidelines on the Establishment of Staff Appeal Handling Committee

108.05.15 本校 107 學年度第 2 學期第 7 次行政會議通過

- 一、為保障本校職員工權益，建立職員工申訴管道，增進校園和諧，依「國立中山大學約用人員工作規則」及「國立中山大學約用人員考核實施要點」，訂定「國立中山大學職員工申訴評議委員會設置及評議要點」(以下簡稱本要點)。
 - I. These guidelines are formulated in accordance with the University's *Regulations for Contract Employees' Work and Guidelines on the Performance Appraisal of Contract Employees* to safeguard staff's rights and interests, establish appeal channels, and foster campus harmony.
- 二、本要點所稱職員工，係指本校編制內職員、技術人員、駐衛警察、技工、工友，及依本校契約進用之職員工。
 - II. Staff stipulated herein refer to those within the manning quota, security guards, assistant technicians, janitors, and contract employees.
- 三、本校設職員工申訴評議委員會(以下簡稱本委員會)，置委員十九人，任期二年，連選得連任。其中任一性別委員應佔委員總數三分之一以上，其組成代表為：
 - III. The Staff Appeal Handling Committee (hereinafter referred to as the "Committee") shall consist of nineteen members, whose term shall be one year and may be extended when re-elected. Additionally, either gender shall consist of at least one-third of the members. The Committee shall consist of the following representatives:
 - (一) 教師代表七人。
 - (1) seven faculty members
 - (二) 學校約用人員代表五人。
 - (2) five contract employees
 - (三) 職員代表三人。
 - (3) three staff members within the manning quota
 - (四) 技工及工友代表二人組成之。
 - (4) two staff members from assistant technicians/janitors

(五) 駐衛警察代表一人。

(5) one security guard

(六) 法律專業人員一人。

(6) one legal expert

前項第(一)款教師代表由各學院各推選一名專任教師擔任；第(二)款至第(五)款代表由各類人員互選產生之，第(六)款法律專業人員由校長聘請法律專家學者擔任。

Faculty representatives stipulated in Subparagraph 1 of the preceding Paragraph shall be one from each college, and other representatives stipulated in Subparagraphs 2 to 5 shall be elected from those in each respective category. The legal expert stipulated in Subparagraph 6 shall be appointed by the President from among experts or scholars in law.

第一項職員、學校約用人員、技工或工友代表，每類人員代表任一性別應至少各一人。

The categories of staff within the manning quota, contract employees, and assistant technicians/janitors stipulated in Paragraph 1 shall include at least one member of either gender.

本委員會之組成因故未符任一性別法定人數時，由職員、約用人員及技工及工友代表之候補人員依序按性別缺額遞補之。

If the composition of the Committee fails to meet statutory requirement of gender representation due to certain reasons, gender vacancies shall be filled from the personnel on waiting lists in the order of staff within the manning quota, contract employees, and assistant technicians/janitors.

各級行政及學術主管不得兼任本委員會委員。

Supervisors of administrative and academic units at all levels shall not serve as a member of the Committee.

四、本校職員工對學校所為有關其個人之管理措施或工作條件之處置，認為違法或不當，致損害其權益者，得提出申訴。

IV. Staff may file an appeal if they deem any management measures or work conditions related to them to be against the laws or inappropriate to infringe their rights or interests.

學校約用人員對於依「國立中山大學約用人員考核實施要點」所作之考核結果不服，亦得向本委員會提起申訴。

Contract employees may file an appeal to the Committee if they disagree with

the result of performance appraisal conducted in accordance with the *Guidelines on the Performance Appraisal of Contract Employees*.

五、各類代表委員因故出缺時，教師代表由出缺代表所屬學院遞補之；職員工代表由各該類候補人員遞補；法律專業人員由校長另聘請之。任期至補足出缺委員未滿之任期為止。

V. When vacancies occur for certain reasons, the positions of outgoing faculty representatives and staff representatives shall be filled by the personnel on the waiting list of the affiliated colleges and the corresponding categories, respectively, while the legal expert shall still be appointed by the President. The term of replacement shall last until the end of the term of outgoing members.

本委員會之組成因故未符任一性別法定人數時，由職員、學校約用人員及技工、工友代表候補人員依序按性別缺額遞補之。

If the composition of the Committee fails to meet statutory requirement of gender representation due to certain reasons, alternate personnel from the categories of staff within the manning quota, contract employees, and technicians or janitors shall fill the vacancies in sequence, based on the gender imbalance.

第一項所稱候補人員，為該次選舉結果之次高票當選人。

Personnel on the waiting list stipulated in Paragraph 1 refers to those who receive the second highest number of votes in the election.

六、本委員會主席由委員互選之，召集及主持會議，任期一年，連選得連任。主席因故不能主持會議時，由其指定委員一人代理主持會議。

VI. The chairperson of the Committee shall be elected among the members to be the convener to chair meetings. The term shall be one year and may be extended when re-elected. The chairperson who cannot chair a meeting due to certain reasons shall delegate a member as the proxy.

本委員會除每屆期之第一次會議由主任秘書召集外，其餘會議均由本委員會主席為召集人。

The chief secretary shall convene the first meeting in each term, while the subsequent meetings shall be convened by the chairperson.

七、職員工提起申訴，應於管理措施或處置達到之次日起三十日內以書面向本委員會提出申訴。

VII. Staff shall submit a written appeal within thirty days from the following day of receiving the notification of management measures or disciplinary actions.

前項申訴事項，有其他法定救濟方法者，申訴人應循各該救濟途徑，於其

所規定之法定期間內提起救濟，不受提出申訴之影響。

If other statutory remedies are available, appellants may pursue a remedy through an appropriate channel within the statutory period, without being affected by the appeal filed as per the preceding Paragraph.

八、申訴書應以書面載明下列事項：

VIII. An appeal form in writing shall include the following information:

- (一) 申訴人姓名、出生年月日、身分證號碼、服務單位、職稱、住居所及電話。
 - (1) the appellant's name, date of birth, national ID number, affiliated unit and job title, address, and phone number
- (二) 原措施、處置或考核單位。
 - (2) the unit responsible for the management measures, disciplinary actions, or performance appraisal
- (三) 收受管理措施、工作條件之處置或考核結果之年月日。
 - (3) date of receiving the notification of management measures, disciplinary actions, or performance appraisal result
- (四) 申訴之事實、理由及證據。
 - (4) facts, justification, and evidence supporting the appeal
- (五) 申訴請求事項。
 - (5) remedies sought through the appeal

二人以上對於同一原因事實之措施得共同提起申訴。

Two or more individuals appealing the same cause may jointly file an appeal.

提起申訴不合第一項規定者，本委員會得限期通知申訴人補正。逾期未補正者，視為申訴人撤回申訴。

If an appeal lacks the information or documentation stipulated in Paragraph 1, the Committee shall notify the appellant to supplement it within the timeframe; otherwise, the Committee shall deem the case withdrawn by the appellant.

九、本委員會應自收到申訴書之次日起七日內，以書面檢附申訴書影本及相關書件，請求原措施單位提出說明。原措施單位應自書面請求送達之次日起十日內擬具說明書連同相關文件送本委員會。但原措施單位認為申訴為有理由者，得自行撤銷或變更原措施，並函知本委員會。

IX. The Committee shall ask for an explanation, along with a copy of the appeal form and relevant documents, from the responsible unit within seven days after the date of receiving an appeal. The said unit shall submit the explanation with relevant documents to the Committee within ten days after receiving the notification. Nevertheless, the said unit may have the original measures revoked or altered after considering the appeal with valid grounds and shall reply the Committee in writing.

原措施單位逾前項期限未提出說明者，本委員會得逕為評議。

If the said unit fails to provide any explanation by the deadline stipulated in the preceding Paragraph, the Committee shall proceed its deliberation.

十、申訴提起後，於評議書送達申訴人前，申訴人得撤回之。申訴經撤回者，應即終結評議，並通知申訴人與原措施單位。申訴人撤回申訴後，不得就同一原因事實重新提起申訴。

X. Appellants may withdraw an appeal before receiving the appeal resolution notification from the Committee. Upon withdrawal, the appeal shall be terminated, with the appellant and the responsible unit notified. Nevertheless, a withdrawn appeal shall not be refiled for the same cause.

十一、申訴人就申訴案件或相關事件，同時或先後另行提起訴願、行政訴訟、民事或刑事訴訟者，應即以書面通知本委員會。

XI. If the appealed case or its related issue is simultaneously, previously, or subsequently filed to a superior agency or undergoes the process of an administrative, civil, or criminal lawsuit, the appellant shall notify the Committee in writing.

前項情形，本委員會應停止申訴案件之評議，俟停止原因消失後，經其書面請求或依職權繼續評議。

Under the circumstance mentioned in the preceding Paragraph, the Committee shall suspend the deliberation of the appeal. After the reason for suspension no longer exists, the Committee shall resume the deliberation upon the appellant's request in writing or by its own authority.

十二、本委員會會議以不公開評議為原則，必要時得邀請申訴人及相關人員列席說明或陳述意見，申訴人亦得申請於本委員會評議時到場說明。

XII. The convening of the Committee meeting shall remain confidential; nevertheless, the appellant and relevant personnel may be invited to provide explanations or opinions when necessary. Additionally, the appellant may request to present explanations in person during the meeting

十三、申訴案件有調查必要時，得經本委員會決議，推派委員二至三人為之。

XIII. When an investigation becomes necessary, an ad hoc team with two to three members shall be formed upon the Committee's decision.

十四、委員對申訴案件有利害關係者，應自行迴避。有應迴避原因未自行迴避者，得經決議令該委員迴避。

XIV. Committee members who are interested parties of the appealed case shall proactively recuse themselves. Those who fail to do so may be requested to recuse themselves upon the Committee's decision.

有具體事實足認委員就申訴案件有偏頗之虞者，申訴人得舉其事實理由向本委員會申請委員迴避。對於申請迴避，被申請迴避之委員得提出意見書，但不得參與決定迴避與否之決議。

When there exists substantial evidence to prove a member biased against the appeal, the appellant may apply for the recusal of the member in question to the Committee, with relevant information corroborating justification. The member in question may state opinions, but shall not participate in the decision regarding the recusal.

十五、本委員會之評議決定，除依第十一點規定停止評議者外，應自收受申訴書之次日起三個月內為之，必要時得延長一月，並通知申訴人。

XV. Except for cases resulting in suspension of deliberation per Article 11, the Committee shall reach a resolution within three months after receiving the appeal. When necessary, the deliberation process may be extended for a maximum of one month, with the appellant notified.

前項延長評議期間以一次為限。

The extension stipulated in the preceding Paragraph shall be limited to once only.

第一項期限於依第八點規定補正者，自補正後之次日起算；依第十一點規定評議者，自繼續評議之日起重行起算。

For cases requiring supplemental documentation per Article 8, the resolution timeframe in Paragraph 1 shall start from the following day after receiving the documentation. For cases involving suspension of deliberation per Article 11, the resolution timeframe shall be reset and start from the day of resuming deliberation.

十六、委員應親自出席會議，經委員二分之一以上出席始得開議。評議之決定應經出席委員三分之二以上同意行之；其他事項之決議以出席委員過半數之同意行之。

XVI. The Committee shall convene with at least half of its members in attendance. Resolutions concerning an appeal shall be approved by at least two-thirds of

attending members, while other resolutions by at least half of the attending members.

本委員會為前項決議時，迴避之委員不計入出席委員人數。評議決定以無記名投票或其他表決方式為之。

Members who recuse themselves shall not be counted as attending members when the resolutions mentioned in the preceding Paragraph are made. Additionally, decisions shall be made by anonymous voting or other methods.

委員對於評議經過應對外嚴守秘密。

Deliberations shall all be kept strictly confidential.

本委員會評議案件，應指定人員製作評議紀錄附卷，委員於評議中持與評議決定不同意見，經其請求者，應列入紀錄。

Staff in charge shall be assigned to take the minutes of deliberations for appealed cases, and opinions of members dissenting from a resolution shall be included in the minutes upon their request.

十七、申訴案件有下列情形之一者，應附理由為不受理之決定：

XVII. Appeals shall not be accepted for any of the following reasons:

(一) 逾第七點第一項提起申訴期間者。

(1) The appeal is not filed within the timeframe stipulated in Paragraph 1 of Article 7.

(二) 提起申訴不適格者。

(2) The appellant is not qualified.

(三) 非屬申訴範圍或應循其他程序救濟者。

(3) The case does not fall within the scope of appeal or shall be sought through other remedies.

(四) 申訴已無實益者。

(4) The appeal has no effect or does not result in any change.

(五) 對已決定或已撤回之申訴案件就同一原因事實重行提起申訴者。

(5) The appeal is refiled for the same fact or justification after a resolution has been made or the case has been withdrawn.

前項第三款情形，如屬應向公務人員保障培訓委員會提起復審或向上級機關提起訴願之事件，申訴人誤向本委員會提起申訴者，應曉諭申訴人依復

審或訴願程序處理。

Under the circumstance stipulated in Subparagraph 3 of the preceding Paragraph, where the case should have been filed to the Civil Service Protection & Training Commission or the superior agency rather than to the Committee, the appellant shall be informed to proceed through the appropriate administrative procedure.

十八、申訴無理由者，應為駁回之決定。

XVIII. An appeal without justification shall be rejected as a resolution.

十九、申訴有理由者，應為有理由之決定，其有補救措施者，並應於評議書主文中載明。

XIX. An appeal with justification shall be resolved as valid. Additionally, applicable remedies shall be specified in the main content of the appeal resolution notification.

二十、評議書以本校名義行之並載明下列事項：

XX. The appeal resolution notification shall be issued by the University and include the following information:

(一) 申訴人姓名、出生年月日、身分證號碼、服務單位、職稱、住居所。

(1) the appellant's name, date of birth, national ID number, affiliated unit, job title, and address,

(二) 原措施單位。

(2) the responsible unit

(三) 主文、事實及理由；不受理決定者，得不記載事實。

(3) the main content, facts, and justification (Facts may be omitted if the appeal is rejected.)

(四) 主席署名。

(4) the signature of the chairperson

(五) 評議決定之年月日。

(5) the date on which the resolution is made

二十一、評議書應以足供存證查核之方式送達申訴人及相關人員。

XXI. The appeal resolution notification shall be delivered to the appellant and relevant personnel, with the delivery being traceable.

二十二、原措施單位應確實依評議決定執行，並於收受評議書之次日起六十日內將

處理情形回復本委員會。

XXII. The responsible unit shall implement the Committee resolution accordingly and notify the Committee of its implementation status within sixty days after receiving the appeal resolution notification.

前項評議決定，原措施單位如認確屬窒礙難行，應列舉具體理由於評議書送達之次日起三十日內依行政程序簽請校長同意後交由本委員會復議。

If the said unit deems the resolution impossible to implement, it shall submit detailed reasons to the President through the administrative procedure within thirty days after the date of receiving the notification. The case may be submitted to the Committee for reconsideration, subject to the approval from the President.

前項復議如本委員會仍維持原評議決定，原措施單位應即執行。

Original resolutions still upheld by the Committee after reconsideration shall be promptly implemented by the said unit.

二十三、本要點經行政會議通過，陳請校長核定後實施，修正時亦同。

XXIII. These guidelines are approved by the Executive Meeting and the President before implementation. Amendments to these guidelines shall follow the same procedure.