

國立中山大學學生申訴評議委員會設置及運作辦法

Regulations for Establishment and Operation of the Students Appeal Handling Committee

85 年 6 月 47 日 84 學年度第 4 次校務會議訂定
Amended and approved at the 4th University Council on June 14,1996
教育部 85 年 7 月 9 日台(八五)訓(一)字第 8506322 號函同意核定
Amended and approved at the Documentary Approval from Ministry of Education on July 9,1996
89 年 10 月 27 日 89 學年度第 1 次校務會議通過修正
Amended and approved at the 1st University Council on October 27,2000
90 年 3 月 30 日 89 學年度第 3 次校務會議通過修正
Amended and approved at the 3rd University Council on March 30,2001
90 年 5 月 25 日 89 學年度第 4 次校務會議通過修正
Amended and approved at the 4th University Council on May 25,2001
91 年 3 月 15 日 90 學年度第 3 次校務會議通過修正
Amended and approved at the 3rd University Council on March 15,2002
教育部 91 年 4 月 4 日台(九一)訓(一)字第 91044814 號函同意核定
Amended and approved at the Documentary Approval from Ministry of Education on April 4,2002
92 年 10 月 31 日 92 學年度第 1 次校務會議通過修正
Amended and approved at the 1st University Council on October 31,2003
94 年 6 月 3 日 93 學年度第 4 次校務會議通過修正
Amended and approved at the 4th University Council on June 3,2005
教育部 94 年 10 月 12 日台訓(二)字第 0940138569 號函同意核定第 19 條
Amended and approved at the Documentary Approval from Ministry of Education on October 12,2005 for Article 19
97 年 11 月 21 日 97 學年度第 1 次校務會議通過修正
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98 年 1 月 9 日 97 學年度第 2 次校務會議通過修正
Amended and approved at the 2nd University Council on January 9,2009
教育部 98 年 1 月 22 日台訓(二)字第 0980010273 號函同意核定
Amended and approved at the Documentary Approval from Ministry of Education on January 22,2009
99 年 12 月 24 日 99 學年度第 2 次校務會議通過修正
Amended and approved at the 2nd University Council on December 24,2010
教育部 100 年 1 月 12 日臺訓(一)字第 1000002751 號函同意核定
Amended and approved at the Documentary Approval from Ministry of Education on January 12,2011
100 年 10 月 21 日 100 學年度第 1 次校務會議通過修正
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教育部 100 年 12 月 5 日臺訓(一)字第 1000217719 號函同意核定
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102 年 12 月 20 日 102 學年度第 2 次校務會議通過修正
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教育部 103 年 1 月 2 日臺教學(二)字第 1020195103 號函同意核定
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110 年 6 月 11 日 109 學年度第 4 次校務會議通過修正
Amended and approved at the 4th University Council on June 11,2011
111 年 3 月 25 日 110 學年度第 3 次校務會議通過修正
Amended and approved at the 3rd University Affairs Council Meeting of, 2021-Academic Year on March 25,2022
教育部 111 年 4 月 11 日臺教學(二)字第 1110035205 號函同意核定
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112 年 10 月 27 日 112 學年度第 1 次校務會議通過修正
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教育部 112 年 12 月 5 日臺教學(二)字第 1120113344 號函同意核定
Amended and approved at the Documentary Approval from Ministry of Education on December 5,2023

第一條 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，特

依大學法第三十三條、大學及專科學校學生申訴案處理原則及本校組織規程第五十二條規定，制定本辦法。

- I. In order to protect the rights of the students, resolute disputes, facilitate campus harmony, and maintain the function of higher education, the procedures and regulations are established in accordance with Article 33 of the University Act, the MOE Regulations Regarding the University and College Student Grievance Process, and Article 52 of the NSYSU Constitution.

第一條之一 在學學生、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，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，提起申訴。

前項在學學生，係指學校對其處分時，具學生身份者；學生自治組織係指經本校合法立案之學生自治團體。

學生自治組織提起申訴應經過其相關會員大會提案通過，並檢具佐證資料。

- I.-1 When an enrolled student, the NSYSU Student Association, or related student self-governing association considers that their rights or interests were violated by illegitimate or inequitable sanctions, administrative measures, or decisions made by the University, a Grievance may be filed in accordance with these regulations.

A student is hereby defined as an individual enrolled with the University at the instance that he/she deems illegitimate or inequitable; student self-governing association means a student self-governing group established and approved by the University (hereinafter the Self-Governing Association).

The grievance filed by the Self-Governing Association shall attach relevant documentary evidence and must be approved by the association's (Club) Members' Congress.

第二條 學生申訴評議委員會(以下簡稱本會)置委員十五至十七人，由下列人士組成：

一、教師代表八至十人：由各學院(含西灣學院及研究學院)推選未兼行政職務之專任教師代表一人擔任。

二、學生代表五人：由學生自治組織推選產生，研究所及大學部學生至少應各有一名代表。

三、應有法律、教育、心理學者專家擔任委員。法律專業人士由本校法律顧問擔任；心理諮商專業人士由學生事務處諮商與健康促進組推薦；教育專業人士由教育研究所推薦。

學生事務會議之出席人員或負責學生獎懲決定、調查之人員，不得為本會委員，且任一性別委員應占委員總數三分之一以上；另就申訴案之性質，得邀請有關之專家學者或專業輔導教師，列席會議。

如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況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人員擔任委員，組成特殊教育學生申訴評議委員會；其委員任期、會議之召開、陳述意見、表決、評議決定及保密等規定，均依「特殊教育學生申訴服務辦法」辦理，所需增聘特殊教育相關學者專家或團體代表由校長推薦。

II. The Student Grievance Committee (hereinafter the Committee) shall consist of 15 to 17 members:

1. Eight to ten Faculty Representatives: Each college (including Siwan College and College of research) shall appoint one faculty member without an administrative role as the representative.

2. Five Student Representatives: The Self-Governing Associations shall elect four student representatives inclusive of at least one undergraduate student and one graduate student.

3. Experts from law, education, and psychology should serve as committee members. Professional Law Expert: The legal advisor of the University. Professional Counsellor: Recommended by the Counseling and Health Service Division of the Office of Student Affairs. Professional Expert of Education: Recommended by the Institute of Education.

The participants of the Student Affairs Meeting or the staff in charge of Student Commendation & Disciplinary Sanction evaluations and investigations shall not be listed as members of the Committee. Representatives of each gender shall occupy a third or more of all numbers of the Committee. Related professionals, scholars, or counselors may be invited to the meeting based on the needs of each grievance.

In cases where the grievance is filed by a special education student, at least two special education specialists, special education parent organization representatives, or other special education personnel shall be invited as committee members to form a Special Education Student Grievance Committee. The terms of members, meeting procedures, commenting, voting, decision making and disclosure shall be implemented in accordance to Special Education Student Grievance Service Regulations. The special education related specialists or group representatives shall be recommended by the President.

第三條 本會委員為無給職，任期一年，由校長聘請之。若在任期中委員辭職或出缺，由原推選單位重新補推選。

III. All committee members are positions without remuneration and are appointed by the President with a term of one year. In cases where a member resigns during the term, the original nominating/electing organization must appoint another representative.

第四條 本會之主席由委員互選，任期一年，連選得連任，主席為會議召集人。每屆第一次會議由校長召集之。主席可視需要或經三名以上委

員之連署要求，召開臨時會議。

- IV. The chair of the Committee is elected among the members for a term of one year and may be reelected and reappointed. The chair is the convener of the meeting; the first meeting of each term shall be convened by the President. The chair is entitled to convene interim meetings based on the needs or with the petition request from three or more members.

第五條 本會行政業務由學生事務處負責，經費由學生事務處教學訓輔業務費勻支。

- V. The Office of Student Affairs is responsible for the administrative affairs of the Committee; the funding for the Committee shall be supported by the Education Training Fund of the Office of Student Affairs.

第六條 本會開會應有委員二分之一以上出席始得開會。評議決議應有出席委員三分之二以上同意，其餘事項之決議以出席委員過半數為通過。委員因故不能出席會議時，不得委託代理；但心理諮商專業人士、法律專業人士及教育專業人士得委託具有相同專業背景之人士代理。

- VI. A meeting of the Committee shall not commence without a quorum of half of its members. A favorable vote of at least two-thirds of the committee member is required for passing the Grievance Decision Letter; at least half of the committee member is required for passing other decisions.

If a member cannot attend the meeting, he/she may not appoint a proxy. However, counselors and law experts who are unable to attend the meeting may appoint a proxy of the same professional background.

第七條 申訴人於案件開始評議前，得申請對該案有利害關係之委員迴避之。委員對申訴案件自認有利害關係時，亦得申請迴避。申請同意與否，由本會決定之。

- VII. Before the initiation of a Grievance Review, the complainant may apply for interest avoidance for committee members who are considered to be interested parties. Committee members who deem themselves as interested parties shall also apply for avoidance. The approval of the application shall be decided by the Committee.

第八條 學生申訴制度屬學生權益救濟性質，應以學生個人權益受損為前提，有關陳情、建議、檢舉或以其他方式表示之意見等逾越申訴範圍情事，不符合第一條之一或第九條規定者，本會應以書面駁回之，並得建議其他適當之處理方式。

學生因校園性侵害、性霸凌或性騷擾事件提起申訴，其屬性別平等教育法第 28 條第 2 項申請調查之性質者，依性別平等教育法相關規定移請本校性別平等教育委員會處理。

- VIII. The student grievance system serves the nature of student right protection and shall obey the principle of preserving student rights. Grievances in

the form of petitions, suggestions, reporting of concerns, and other cases of expressing opinions that are not eligible for filing Grievances shall not be subject to these regulations. The Committee shall refute the applications through written documentation and may suggest other suitable methods of resolution.

A Grievance involving a sexual offense, harassment or bullying that requires an investigation as defined in the second paragraph of Article 28 of the Gender Equity Education Act shall be processed and transferred to the NSYSU Gender Equity Education Committee in accordance with the Act.

第九條

學生申訴應於收到學校對個人生活、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後之次日起三十日內以書面或口頭提出。以口頭提出者，應依第十條第三項規定於七日內以書面補正。

本會對逾越期限之申訴案件，不予受理。惟申訴人因天災或其他不應歸責於己之事由致逾申訴期限者，得於其原因消滅後十日內以書面向本會聲明理由，請求許可。但遲誤申訴期間已逾一年者，不得為之。

對於情形特殊，不予救濟顯失公平者，本會仍得建議補救措施。

IX.

The Student is entitled to file Grievance orally or with a written application within 30 days from the next day of being notified of student life or academic commendation or disciplinary sanction. The Self-Governing Association shall also be entitled to file Grievance orally or with a written application within thirty days of being notified of sanctions or other measures from the University. Grievances filed orally shall be followed-up with formal written applications within 7 days in accordance with Paragraph 3 of Article 10.

Late Grievances shall not be processed by the Committee. However, if a Grievance is late due to unforeseen or unavoidable circumstances, the complainant is entitled to request for processing of the late Grievance within 10 days upon the termination of the circumstance with a written explanation of the circumstance. Should the late Grievance be over 1 year, it shall not be accepted to be processed.

Under extremely special circumstances where the late Grievance shall be resolved for equity reasons, the Committee shall suggest remedial measures.

第十條

申訴人應詳填申訴書（格式如附件），並載明下列事項，由申訴人署名，並應檢附原措施文書、有關之文件及證據：

一、申訴人之姓名、出生年月日、身份證明文件號碼、住居所、聯絡電話、院系所、年級、學號。

二、原處分單位。

三、申訴之事實及理由。

四、希望獲得之補救。

五、檢附文件及證據。

學生會或其他學生自治組織申訴時，應由該自治組織選出三人以下之代表人，並檢附委任書。

申訴書不合前二項規定者，應通知申訴人於七日內補正，逾期未補正者，本會得逕為評議。

X. The complainant must complete the application form with the following information and verify the information by signing the application form. Relevant documentary evidence shall be attached.

1. The complainant's name, date of birth, personal ID card number, contact telephone number, residential address, department (institute), grade (year of study), and student ID card number

2. Original party (department/institute/office) issuing the outcome of resolution or sanction

3. Description of the Instance and Rationale for Grievance

4. Remedial Resolutions Expected

5. Relevant Documentary Evidence

Should the NSYSU Student Association or the Self-Governing Association file a Grievance, the Association shall elect at most three representatives with formal appointment letters.

Should the application fail to adhere to the regulations, the complainant shall be notified to revise, correct or provide supplementary documents within 7 days. Late corrections shall not be accepted and the Committee is entitled to directly review the Grievance according to the incomplete application.

第十條之一 學生、學生會及其他相關學生自治組織向學校提起申訴同一案件以一次為限。

申訴人於本會未作成評議決定書前，得撤回申訴案之全部或一部；申訴經撤回後，就同一事實不得再行提出申訴。

X.-1 The same case may be filed only once by the student, NSYSU Student Association, or other student self-governing associations.

The complainant is entitled to withdraw all or part of the Grievance before the Grievance Decision Letter is made by the Committee; if the case is withdrawn by the complainant, the same Grievance may not be filed again.

第十一條 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、行政訴訟、民事訴訟或刑事訴訟者，應即以書面通知本會。

本會依前項通知或依職權得知前項情事後應即中止申訴案件之評議，並通知申訴人，俟中止評議原因消滅後，經申訴人書面請求繼續評議，並以書面通知申訴人。惟退學與開除學籍之申訴不在此限。

- XI. Should a petition or lawsuit (civil, criminal, or administrative) be filed by the complainant on the issue or related incidents of the Grievance in the course of processing the Grievance, the Committee should be instantly informed with a written notice.
Upon receipt of the notice, the Committee should cease to review the Grievance. At the written request of the complainant after the termination of the petition or lawsuit, the Committee shall continue to review the Grievance and send a written notice to the complainant. A Grievance against an order of dropout or expulsion from the University is not subject to this regulation.
- 第十二條 本會會議之召開以不公開為原則，但得通知申訴人、原處分單位之代表及關係人到會說明。
本會進行評議時，委員意見及表決等全部過程應以保密。涉及學生隱私之申訴案件，申訴人之基本資料應予保密。
- XII. The Committee will review the written appeal documents in a closed meeting with show-cause notice to the complainant, relevant school officials and parties.
All procedures including the advice and decisions of the committee members shall be confidential. The basic information of the complainant must also be confidential if the case involves student privacy.
- 第十三條 本會應自收到申訴書之次日起三日內，以書面檢附申訴書影本及相關文件，請求原處分單位提出說明。
相關單位應自前項書面請求到達之次日起七日內，擬具說明書連同相關文件，送達本會。但原處分單位認為申訴有理由者，得自行撤銷或變更原處分，並函知本會。
原處分單位逾前項期限未提出說明者，本會得逕為評議。
- XIII. The Committee shall provide a copy of the Grievance form and relevant documents and request the original party issuing the outcome of resolution or sanction (hereinafter the Original Party) for justification of action within three days from the next day of receiving an application.
The Original Party shall disclose a statement with relevant documents to the Committee within seven days from the next day of receiving the request. However, if the Original Party finds the Grievance reasonable, the original outcome or sanction may be directly changed or withdrawn; the Original Party shall inform the Committee of the withdrawal or change with official documents.
If the Original Party does not make a statement within the deadline, the Committee is entitled to directly process the review.
- 第十四條 本會收件後，除有中止評議之情形，逕行通知申訴人及原處分單位外，應於收到申訴書之次日起三十日內作成評議決定，評議完成後十五日內製作評議決定書送達當事人，必要時得以延長，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。

前項期間，於依第十條規定補正者，自補正之次日起算；依第十一條規定中止評議者，自繼續評議之日起重新起算。

XIV.

The decision of the Grievance shall be completed within 30 days from the next day of the receipt of the application unless in case of the ceasing of review, which shall directly notify the complainant and the Original Party. The Grievance Decision Letter shall be delivered to the complainant within 15 days of the decision. The review of the Grievance may be extended once if necessary; the duration of the extension shall not exceed two months. The complainant shall be notified of the extension. Cases involving an order of dropout or expulsion from the University may not be extended.

If the application needs to be corrected in accordance with Article 10, the course of the review shall be initiated from the next day of the receipt of the corrected application.

If the review process ceased in accordance with Article 11, the course shall be reset upon the continuation of review.

第十四條之一

退學或開除學籍之申訴，於評議決定未確定前，學生得繼續在校肄業。

XIV.-1

Before the review of the Committee on a Grievance against an order of dropout or expulsion from school is finalized, the student concerned is entitled to continue to study incomplete courses at the University.

第十五條

申訴案有調查或實地瞭解之必要時，得經申訴會決議，推派三至五人成立「調查小組」為之。

XV.

In cases where the need for a confidential investigation arises, an “investigation team” consisting of three to five committee members shall be established upon the approval of the Committee.

第十六條

本會評議決議後擬定評議決定書，經本會委員確認後由主席署名。

XVI.

The Committee shall review and establish a tentative decision of resolution and draft the Grievance Decision Letter, then discuss for approval. The final Grievance Decision Letter shall be signature approved by the chair of the Committee.

第十七條

評議決定書，應載明下列事項：

- 一、 申訴人姓名、出生日期、身分證字號、系所、學號、住所。
- 二、 原處分之單位。
- 三、 主文、事實與理由，如有建議補救之具體措施，應提出具體建議。
- 四、 主席署名。
- 五、 年、月、日。

不受理申訴之案件亦應做成評議決定書，惟其內容只列主文和理由。

前二項評議決定書應依第十八條、第二十條或第二十一條規定，記載不服申訴評議決定之救濟方法。

XVII.

The final Grievance Decision Letter shall state the following:

1. The complainant's name, date of birth, personal ID card number, contact telephone number, residential address, department (institute), grade (year of study), and student ID card number
2. The Original Party
3. The main content, the fact, and the reasoning; actual suggested measures of remedy if applicable.
4. Signature of chair
5. The year, month and date

Grievance Decision Letters shall also be issued for cases not accepted for processing. The letter only contains the main content and the reasoning in this case.

The final Grievance Decision Letter shall include methods of remedy in cases the decision of the grievance is not agreed upon based on the regulations stated in Articles 18, 20 and 21.

第十八條

評議決定書應按本會之組織與隸屬，經校長核定後送達申訴人及原處分單位。

原處分單位如認為與法規牴觸或事實上窒礙難行者，應於會知之日起十日內列舉具體事實及理由陳報校長，並副知本會，校長如認為有理由者，得移請本會再議，以一次為限。

但遇有特殊情形，原處分單位無法於期限內列舉事實及理由者，得延長再議時間。

評議決定書經確定後，本校有關單位應予執行。

XVIII.

Under the organization and affiliation of the Committee, the Grievance Decision Letter shall be sent to the complainant and the Original Party after being approved by the President of the University.

Should the Original Party consider the decision to be against existing regulations or be impossible to realize, the Original Party shall provide a written statement of relevant facts and explanations to the President and inform the Committee within 10 days upon receiving the letter. Should the President find the statement of the Original Party reasonable, the case may be reappraised once by the Committee.

If in a special situation, the Original Party cannot state the facts and rationales before the deadline, the time for appeal and reappraisal may be extended.

The finalized decision in the Grievance Decision Letter shall be executed by relevant parties in the University.

第十九條

退學之申訴，經評議確定維持原處分者，其修業證明書所載修業截止日期以原處分日期為準。

退學或開除學籍之申訴，經評議確定維持原處分者，其修業、兵役、退費標準依下列規定辦理：

- 一、申訴期間所修習科目學分成績不予採認。
- 二、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。
- 三、退費標準依現行「專科以上學校學雜費收取辦法」與本校學生離校退費相關規定辦理。

XIX. For a complainant whose order of dropout or expulsion is upheld by the Committee, his/her certificate of study shall bear the date of the original decision as the final date of the study.

A complainant whose order of dropout or expulsion is upheld by the Committee shall have his/her military draft or refund processed with as follows:

1. Credits completed during the course of Grievance review shall not be issued.
2. A draftee shall be listed as an outgoing student who is no longer entitled to deferred conscription within 30 days of the finalized decision of the Committee.
3. A tuition refund shall be processed in accordance to the current Tuition Fee Regulations for Junior Colleges and Institutions of Higher Education and related regulations regarding outgoing students and tuition refund of the University.

第十九條之一 依評議決定、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，本校應輔導其復學；對已入營無法復學之役男，本校應保留其學籍，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。

依評議決定、訴願決定或行政訴訟另為處分並同意學生復學者，應依本校規定完成撤銷退學程序。

XIX.-1 A remedial resolution of re-enrollment or other sanctions as a decision of Grievance review or an administrative lawsuit shall be administered as follows:

If the student cannot resume studies on time due to special situations, the University shall advise and assist him/her return to study; for the draftee who has already started his military duty, the University shall retain his status as a student and help him return to studies after retirement.

With the remedial resolution of re-enrollment or other sanctions as a decision of Grievance review, the expulsion procedures of the student shall be canceled in accordance with administrative regulations of the University.

第二十條 申訴人就學校所為之行政處分，經提起申訴而不服其決定，得自申訴評議決定書送達次日起三十日內，繕具訴願書，並檢附申訴評議

決定書，送本校檢卷答辯後向教育部提起訴願。

XX. Should the complainant file a Grievance against the University regarding the administrative decisions, and disagree with the Committee's grievance decision, the complainant is entitled to file an application for appeal with the Grievance Decision Letter attached. The application for appeal shall be filed within 30 days from the next day of the complainant's receipt of the Grievance Decision Letter. The appeal will be sent to the Ministry of Education after it with review and written defense by the University.

第二十一條 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。

XXI. Should the complainant file a Grievance against the University regarding disciplinary measure outside of the administrative decisions, or some other university measure or decision, and disagree with the Committee's grievance decision, depending on the particular nature of what is being grieved against, the complainant may initiate the proceedings available under the law to seek a remedy.

第二十二條 本會辦理申訴案件除本辦法已規定者外，依照訴願法及其附屬法規之規定。

XXII. The processing of the student Grievances by the Committee shall adhere to these regulations, the Administration Appeal Act and relevant regulations.

第二十三條 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。

XXIII. The regulation is approved in the University Affairs Council Meeting and implemented upon approval from the Ministry of Education. The same procedure applies in cases of amendments.

◎中英文版本如有牴觸或不相符之處，應以中文版本為準。

Above regulation/guidelines were translated from the original Chinese. In the event of any discrepancies between the two versions, the Chinese always takes precedence.