

國立中山大學學生申訴評議委員會設置及運作辦法

Regulations for the 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 meeting 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 by the 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 meeting 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 meeting 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 meeting 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 meeting 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 by the 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 meeting 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 meeting 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 by the Ministry of Education on October 12, 2005
97 年 11 月 21 日 97 學年度第 1 次校務會議通過修正
Amended and approved at the 1st University Council meeting on November 21,2008
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 meeting 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 by the 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 meeting 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 by the 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
Amended and approved at the 1st University Council meeting on October 21,2011
教育部 100 年 12 月 5 日臺訓(一)字第 1000217719 號函同意核定
Amended and approved by the Ministry of Education on December 5,2011
102 年 12 月 20 日 102 學年度第 2 次校務會議通過修正
Amended and approved at the 2nd University Council meeting on December 20,2013
教育部 103 年 1 月 2 日臺教學(二)字第 1020195103 號函同意核定
Amended and approved by the Ministry of Education on January 1,2014
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 meeting 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 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
Amended and approved by the Ministry of Education on April 4,2022
112 年 10 月 27 日 112 學年度第 1 次校務會議通過修正
Amended and approved at the 1st University Council meeting on October 27,2023

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 safeguard students' rights, handle disputes, foster campus harmony, and optimize functionality of higher education, these regulations are established in accordance with Article 33 of *the University Act*, the MOE's *Principles for Handling Students Appeal in Universities and Colleges*, and Article 52 of *the NSYSU Charter*.

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。

- I-1. Students and student self-governing associations including the Student Association (hereby as SSGAs) may file an appeal in accordance with these regulations if they deem any disciplinary actions and other measures or resolutions are illegitimate or inappropriate so as to infringe their rights or interests.

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。

The students stipulated in the preceding Paragraph refer to enrolled students who do not suspend their studies when the disciplinary actions are imposed by the University; SSGAs herein refer to those established and approved formally by the University.

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。

Any appeal by the SSGAs shall be filed only after the approval in their internal meeting with corroborating documentation.

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：

- II. The Student Appeal Handling Committee (hereby as the SAHC) shall consist of following fifteen to seventeen members:

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。

1. Eight to ten faculty representatives: Each college shall appoint one full-time faculty member without holding a concurrent administrative position.

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

2. Five student representatives: Student Association shall elect five

representatives with at least one undergraduate and one graduate student.

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。

3. The other members shall consist of experts in law, education, and psychology, with the University's legal councils serving as law experts, psychological counsellors recommended by the Counseling and Health Service Division of the Office of Student Affairs (OSA), and experts in education recommended by the Institute of Education.

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。

The SAHC members shall exclude any the Student Affairs Council members or staff handling students' merits/demerits and investigations. Additionally, either gender shall consist of at least one-third of the members. Specific experts, scholars, or professional counsellors may be invited as non-voting attendees corresponding to the nature of an appeal.

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「**特殊教育學生及幼兒申訴服務辦法**」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。

In cases of appeals from special education students, the SAHC shall turn into the Special Education Students Appeal Handling Committee with additional two members from special education scholars/experts, parental representatives from special education organizations, or other special education personnel, recommended by the President. The term of members, meeting calling, statement, voting, resolution, and confidentiality shall be handled in accordance with the MOE's *Regulations for Handling Appeal for Special Education Students and Children*.

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. The SAHC members shall be appointed by the President and serve for one year without pay. In the event of a member's resignation during the term or any vacancy occurring, the original nominating or electing unit shall appoint a new 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 chairperson of the SAHC shall be elected among the members, and be the convener whose term shall be one year and may be extended when re-elected. The President shall convene the first SAHC meeting in each term. An interim SAHC meeting may be convened by the chairperson when the situation dictates or by a request co-signed by more than three 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 OSA shall be responsible for the administrative affairs of the SAHC and cover the operational budget.
- 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。
- VI. The SAHC shall convene with at least one-half of the members attending. Resolution regarding an appeal shall be approved by at least two-thirds of the attending members, while the other resolutions by at least half of the attending members.
- 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。
- Members who cannot attend a meeting for any reason shall not delegate a proxy. However, experts in psychological counselling, law, and education who cannot attend a meeting may delegate a proxy with equivalent 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 an appeal is deliberated, the appellant may request a recusal of specific interested members. Those who consider themselves as

interested parties may actively apply for recusal, subject to the decision and approval by the SAHC.

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。

VIII.

The student appeal system is designed to handle appeals regarding students' own rights and interests. When the students submit a petition, suggestion, report of concern, or others beyond the scope of an appeal as stipulated in Articles 1-1 or Article 9 herein, the SAHC shall reject them in writing and may suggest other appropriate ways.

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。

An appeal concerning sexual assault, bullying, or harassment stipulated in the Paragraph 2 of Article 28 in the MOE's *Gender Equity Education Act* shall be handled by the University Gender Equity Education Committee in accordance with the said 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。

IX.

Students shall submit a written or verbal appeal within thirty days from the next day of receiving the notification of disciplinary actions regarding their personal conduct or learning; the SSGAs shall do so regarding University's disciplinary actions, measures, or resolutions. Verbal appeals shall be supplemented by supporting documentation within seven days in accordance with Paragraph 3 of Article 10 herein.

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。

Appeals filed beyond the specified timeframe shall not be accepted by the SAHC. Nevertheless, if the late appeal is due to a natural disaster or unavoidable circumstance, the appellant shall submit a written request for handling the appeal with an explanation to the SAHC within ten days after the reason no longer exists. Nevertheless, no appeal filed one

year after the mentioned timeframe shall be accepted.

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。

Under particular circumstances where fairness dictates, the SAHC may still handle the late appeal and 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：

X.

The appellant shall provide the appeal form (attached as appendix below) with the signature and original documentation related to the disciplinary action and other pertinent information and evidence:

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。

(1) the appellant's name, date of birth, ID number, address, contact number, department/institute/college, study grade, and student ID number

二、 原處分單位。

(2) the unit imposing the disciplinary action (hereby as “the unit”)

三、 申訴之事實及理由。

(3) facts and justification for filing the appeal

四、 希望獲得之補救。

(4) administrative remedies which the appellant may seek

五、 檢附文件及證據。

(5) relevant documentation

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。

When a SSGA files an appeal, at most three members from the SSGA shall be elected as representatives with an entrusted letter.

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。

If an appeal lacks the information or documentation stipulated in the preceding two Paragraphs, the appellant shall supplement within seven days upon notification; otherwise, the SAHC shall directly proceed with deliberation.

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。

- X.-1 The same appeal shall be filed only once by students or SSGAs.
- 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。
- An appellant may withdraw all or part of an appeal before the SAHC
 issues the appeal resolution notification (hereby as the notification).
 However, any part of the appeal withdrawn shall 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。
- XI. If the appealed case or its related issue is further filed to the MOE or
 undergoes the process of an administrative, civil, or criminal lawsuit,
 the appellant shall notify the SAHC in writing.
- 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。
- Upon receiving the notification as per the preceding Paragraph or
 knowing by right, the SAHC shall suspend the deliberation of the
 appeal and notify the appellant. Upon the appellant's request in writing
 after the suspension reason no longer exists, the SAHC shall resume the
 deliberation and notify the appellant. Nevertheless, an appeal against
 dismissal or expulsion from the University shall not be subject to this
 provision.
- 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。
- XII. The convening of the SAHC meeting shall remain confidential;
 nevertheless, the appellant, the unit representative, and other concerned
 individuals may be notified to attend for explanation purpose.
- 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。
- During the SAHC meeting, the deliberation, statement, and voting shall
 all be kept confidential. The personal information of appellants shall
 also remain confidential when privacy is involved.
- 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。
- XIII. Within three days after receiving an appeal, the SAHC shall submit a

written request, along with a copy of the appeal form and relevant documents, for explanations from the unit imposing the disciplinary action.

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。

The said unit shall submit the explanations with relevant documents to the SAHC within seven days after receiving the written request in the preceding Paragraph. After considering there exist grounds for the filing, the unit may have the original disciplinary action revoked or altered directly, and notify the SAHC in writing.

原處分單位逾前項期限未提出說明者，本會得逕為評議。

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

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。

XIV.

Except for cases dictating suspension of deliberation with the appellant and the unit informed right away, the SAHC shall reach a resolution within thirty days after receiving the appeal and notify the appellant within fifteen days after the resolution is reached. When necessary, the resolution may be extended only once for a maximum of two months, with the appellant notified. Nevertheless, for appeals involving dismissal or expulsion from the University, the resolution shall be reached without extension.

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。

For cases requiring supplemental documentation per Article 10 herein, the resolution timeframe in the preceding Paragraph shall start after the next day of receiving the supplementation. For cases involving suspension of deliberation per Article 11 herein, the resolution timeframe shall be reset and start from the day of resuming deliberation.

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 an appeal resolution is made regarding dismissal or expulsion

from the University, the appellant shall retain the right to continue the studies.

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. When an investigation or on-site inspection becomes necessary, an ad hoc investigation team with three to five members shall be organized, upon the approval of the SAHC.

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 notification of resolution shall be confirmed by individual members of the SAHC and signed by the chairperson.

第十七條 評議決定書，應載明下列事項：

XVII. The notification of resolution shall enumerate the following information:

(一) 申訴人姓名、出生日期、身分證字號、系所、學號、住所。

(1) the appellant's name, date of birth, ID number, department /institute, student ID number, and address,

(二) 原處分之單位。

(2) the unit imposing the disciplinary action,

(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。

(3) the main content, facts, and justification; suggested remedial measures if any,

(四) 主席署名。

(4) the signature of the chairperson, and

(五) 年、月、日。

(5) the date the resolution is reached.

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。

The notification of resolution shall still be issued even for unaccepted cases with the main content and justification.

前二項評議決定書並應依第十八條、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。

The said notification stipulated in the preceding two Paragraphs shall

also indicate alternative remedial measures per Article 18, 20, or 21 in case the appellant does not agree with the appeal resolution.

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。

XVIII. As per the organization and affiliation of the SAHC, the notification of resolution shall be delivered to the appellant and the unit after the approval of the President.

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。

If the unit imposing the disciplinary action deems the appeal resolution not complying with regulations or impossible to implement, it shall submit detailed facts and explanations to the President within ten days after receiving the notification and inform the SAHC. The President may request the SAHC to deliberate the appeal again if there exist grounds from the unit, but only for once.

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。

Under special circumstances, the unit unable to provide detailed facts and explanations within 10 days may be allowed a longer time for providing the said materials.

評議決定書經確定後，本校有關單位應予執行。

All relevant units shall implement the resolution accordingly once the notification of resolution is finalized.

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。

XIX. In an appeal against dismissal from the University where SAHC upholds the original disciplinary action upon resolution, the studying certificate shall bear the date of original disciplinary action imposed as the end of studying period.

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：

In an appeal against dismissal or expulsion from the University which the SAHC upholds the original disciplinary action upon resolution, matters pertaining to studies, military service, and tuition refund shall be handled as follows:

- (一) 申訴期間所修習科目學分成績不予採認。
- (1) Credits and grades obtained during the course of appeal shall not be granted.
- (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。
- (2) A deferral of military enlistment shall be revoked and the appellant shall report to the governmental agencies within thirty days after the appeal resolution.
- (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。
- (3) Tuition refund shall be handled in accordance with the MOE's *Regulations for Tuition Collection at Institutions of Higher Education* and the University's *Guidelines on Refunding Fees to Students leaving 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。

XIX.-1 In a resolution made by the SAHC, MOE, or court to overturn the original disciplinary action and resume the appellant's studies, the University shall provide assistance to the appellant who fail to do so due to special circumstances; if the appellant is already in military service, the University shall retain their enrollment record and provide assistance after military discharge. The period during which the appellant is dismissed may be changed to suspension of study upon request.

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。

Per the said resolution made by the SAHC, MOE, or court to resume the appellant's studies, the disciplinary action for dismissal shall be revoked in accordance with the University's regulations.

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. Appellants who disagree with the resolution may further file an appeal to the MOE, with the copy of SAHC's notification of resolution and the University's explanatory statement, within thirty days after receiving

the notification.

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. Appellants who disagree with other disciplinary actions, measures, or resolutions reached by the SAHC may seek remedies by litigation.

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. Matters not covered herein shall be handled in accordance with *the Administrative Appeal Act* and its supplementary provisions.

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. These regulations are approved by the University Council and the MOE before implementation. Amendments to these regulations shall follow the same procedure.