

教師違反送審教師資格規定及學術倫理案件處理要點

Guidelines on Handling Cases Regarding the Violation of the Accreditation Regulations for Teacher Qualifications and Academic Ethics

100.3.25 本校 99 學年度第 3 次校務會議通過

102.6.7 本校 101 學年度第 4 次校務會議修正通過

104.5.29 本校 103 學年度第 4 次校務會議修正通過

105.12.23 本校 105 學年度第 2 次校務會議修正通過

111.1.7 本校 110 學年度第 2 次校務會議修正通過

112.10.27 本校 112 學年度第 1 次校務會議修正通過

Amended and approved at the 1st University Affairs meeting on October 27, 2023

- 一、國立中山大學(以下簡稱本校)為處理違反送審教師資格規定及學術倫理案件，依教育部「專科以上學校教師違反送審教師資格規定處理原則」規定，特訂定本要點。
- I. These regulations are formulated in accordance with the Ministry of Education's (MOE) *Regulations for Handling Violations of Teacher Qualifications Accreditation at Junior Colleges and Institutions of Higher Education* to handle cases involving the University's faculty who are in violation of regulations regarding the accreditation of teacher qualifications and academic ethics thereof.
- 二、本要點所稱違反送審教師資格規定及學術倫理，指有下列情事之一者：
- II. Matters involving violations of the accreditation of teacher qualifications and academic ethics thereof shall refer to one or more of the following conditions:
- (一) 著作、作品、展演及技術報告未適當引註、未經註明授權而重複發表、未註明其部分內容為已發表之成果或著作或其他違反學術倫理情事者。
- (1) improper citation in academic publications, art works, performances or technical reports, republishing materials without authorization, failure to acknowledge that part of the contents have already been published, or other issues deemed the violation of academic ethics
- (二) 著作、作品、展演及技術報告有抄襲、造假、變造或舞弊情事。
- (2) plagiarism, forgery, alteration or cheating in academic publications, art works, performances or technical reports
- (三) 教師資格審查履歷表、合著人證明故意登載不實、代表著作未確實填載為合著及繳交合著人證明。
- (3) deliberate falsification of information in teacher qualification resume or statement of co-authorship, or failure to indicate and to provide evidence of the co-authorship of representative work
- (四) 學、經歷證件、成就證明、專門著作已為刊物接受將定期發表之證明、合著人證明為偽造、變造、以違法或不當手段影響論文之審查。
- (4) forgery of or alteration to diploma, proofs of achievement, statement of

acceptance to paper for scheduled publications, and statement of co-authorship, or using improper means to influence the review of papers

(五) 送審人或經由他人有請託、關說、利誘、威脅或其他干擾審查人或審查程序情節嚴重。

(5) personal or mediated interference with reviewers or the reviewing process via cronyism, lobbying, tempting, threatening or other means to a serious extent

三、 檢舉人應以書面向本校提出檢舉內容載明檢舉人姓名、服務單位、聯絡電話及日期，並應具體指陳檢舉對象、檢舉內容及附證據資料。

III. Anyone who intends to report a suspected offense shall inform the University in writing by specifying his/her real name, affiliation, contact phone number and date, and indicate specific contents of the offense committed by the offender, with supporting materials.

本校於接獲前項檢舉案，應即進入校內處理程序。

The internal handling process shall be started after the University receives the accusation case referred to in the preceding Paragraph.

本校於接獲未具名而具體指陳違反本要點之檢舉案者，得依本要點之處理程序辦理。

Anonymous accusation with substantial contents of accusation regarding violations of these guidelines may be handled in accordance with the procedures stipulated in the guidelines herein.

四、 檢舉案之處理程序：

IV. Procedure for handling accusation cases:

(一) 形式要件審查：

(1) formal requirement review:

1. 本校教師評審委員會（以下簡稱校教評會）為教師違反送審教師資格規定及學術倫理案件之收件單位，校教評會於接獲具名檢舉案後，應由人事室向檢舉人查證是否確為其檢舉。

i. Any case regarding the violation of accreditation of teacher qualifications and academic ethics thereof shall be reported to the University Faculty Evaluation Committee (hereinafter referred to as the “UFEC”). After the UFEC receives the named case materials, the Office of Personnel Services (OPS) shall contact the accuser to confirm his/her identity and that the materials are indeed turned in by himself/herself.

2. 檢舉案（含未具名而具體指陳檢舉案）由校教評會主席會同研發長、教務長、被檢舉人所屬學院院長及人事室主任於十個工作日內召開形式要件審查會議，確認是否受理。

ii. The chairperson of the UFEC shall convene a meeting with the vice president for Research & Development, vice president for Academic

Affairs, dean of the college of the accused, and the chief of Human Resource as members to conduct the formal requirement review within ten work days to decide the validity of the case (including anonymous reports with specific allegations).

3. 不予受理案件，應以書面通知檢舉人後結案。Invalidated cases shall be closed and the accuser notified in writing.
4. 受理之案件研發處先查明是否屬曾經本校審議決定未有違反送審教師資格規定及學術倫理之案件，如屬同一事件重複檢舉案件，未具新事證者，再提經形式要件審查會議認定後 依原審議決定逕復檢舉人。受理之案件，除涉有第二點第五款之情事者外，應移請調查小組處理。
- iii. The Office of Research and Development (ORD) shall first verify whether the accusation case was previously reviewed and resolved as no violation. If so and without new evidence presented, the accusers shall be informed of the original resolution after the situation is confirmed through the formal requirement review. Otherwise, valid cases shall be handed over to the investigation committee, except for cases involved with the conditions stipulated in Subparagraph 5 of Article 2 herein.
5. 形式要件審查會議決議事項應補提送校教評會備查。
- iv. Resolutions of the formal requirement review shall be submitted to the UFEC for reference.

(二) 調查小組之組成：

(2) formation of the investigation committee:

1. 對於受理之檢舉案件，應組成五至七人調查小組。
 - i. An investigation committee consisting of five to seven members shall be organized to handle accepted accusation cases.
2. 小組成員由形式要件審查會議依個案推選委員組成，小組成員包括召集人、校教評會委員及被檢舉人所屬學院院長。另亦得聘校內外公正學者專家或法律專家一人至三人。
 - ii. Members participating in the formal requirement review shall elect from the members of the UFEC and the dean of the college of the accused to join the investigation committee. In addition, one to three on- or off-campus impartial scholars and experts, or legal specialists may be engaged to join when necessary.

(三) 辦理時程：

(3) processing timeline:

1. 調查小組應於組成之日起三個月內完成調查報告並提出具體處理建議，提送校教評會審議。
 - i. The investigation committee shall complete the investigation report within

three months of its formation and propose specific measures to the UFEC for evaluation.

2. 遇有案情複雜、窒礙難行及寒、暑假之情形時，其處理期間得循行政程序簽會校教評會主席延長二個月，並應書面通知檢舉人、被檢舉人及提校教評會報告。
- ii. For complicated cases or the investigation period spanning the winter or summer break, the convener of the investigation committee may submit a request following the administrative procedure to the chairperson of UFEC for an extension of the investigation period to two more months. The extension shall be made known to the accuser and accused and then reported to the UFEC.
3. 校教評會應於審議後十個工作日內，將處理結果及理由以書面通知檢舉人及被檢舉人。
- iii. The UFEC shall inform the accuser and accused in writing of the results with reasons within ten work days after the evaluation.

五、 調查小組審查機制：

V. Mechanism of the investigation committee:

(一) 承辦單位分工：

(1) work division among administrative units:

1. 第一階段：

研發處負責調查小組開會及通知被檢舉人答辯，並協助將檢舉內容及答辯書送請該專業領域公正學者審查暨調查小組相關作業事宜。

i. stage 1:

The ORD shall be responsible for calling the meeting for the investigation committee, notifying the accused to submit his/her defense, delivering contents of the accusation and defense of the accused to impartial scholars in related professional fields for review, and other investigation related matters.

2. 第二階段：

ii. stage 2

人事室負責將調查小組結果報告書提送校教評會審議並將審議程序、處置結果及決定函知檢舉人及被檢舉人。

The OPS shall be responsible for forwarding the reports of the investigation committee to the UFEC for further review and informing the accuser and accused in writing the procedure, decision, and reasons of the review.

(二) 被檢舉人有第二點第一款或第二款所定情事時：

(2) for cases violating Subparagraph 1 or 2 of Article 2 herein:

1. 調查小組應函請被檢舉人針對檢舉內容於二週內提出書面答辯。檢舉案件如屬聘任或升等之教師資格審查案件，應將檢舉內容與答辯書送請原審查人再審查，必要時得另加送相關領域學者專家一人至三人審查，以為相互核對，並應尊重該專業領域之判斷；若為違反學術倫理案，無原審查人者，逕送相關學者專家一至三人審查。審查人身分應予保密。
 - i. The investigation committee shall inform the accused in writing to submit a plea regarding the contents of the accusation within two weeks. If the accused case concerns the qualification accreditation for appointment or professorship rank promotion, the accused contents and defense shall be sent to the original reviewers for reassessment. When necessary, one to three more scholars/experts in related professional fields shall also be engaged to evaluate as a crosschecking. Their professional judgment shall be respected. If the accused case concerns the violation of academic ethics without any original reviewer, it shall be sent directly to one to three scholars/experts in related professional fields for evaluation. Identities of the reviewers and scholars/experts shall be kept confidential.
 2. 各審查人應提出審查報告書，作為調查小組審理之依據。
 - ii. Each reviewer shall present an evaluation report for the reference of the investigation committee.
 3. 檢舉案經相關專業領域學者專家審查完竣後，必要時得同意被檢舉人於調查程序中再提出口頭答辯。
 - iii. After the evaluation reports are submitted, the accused may be granted an opportunity, when necessary, to present an oral defense during the investigation process.
 4. 調查小組審理時，遇有判斷困難之情事，得列舉待澄清之事項再請原審查人、相關學者專家審查。
 - iv. When matters are difficult to be determined during the review process, the investigation committee may ask the original reviewers and scholars/experts for re-examination.
 5. 調查小組應提出調查報告及具體處理建議，提送校教評會審議。
 - v. The investigation committee shall submit an investigation report with specific measures to the UFEC for further review.
- (三) 被檢舉人有第二點第三款及第四款所定情事時，由調查小組查證後送校教評會認定之。
- (3) For cases violating Subparagraph 3 or 4 of Article 2 herein, the investigation committee shall investigate and verify the accusation contents before submitting the finding to the UFEC for approval.

- 六、 本校於受理教師資格審查期間，發現被檢舉人有第二點第五款所定情事時，人事室應與受到干擾之審查人取得聯繫並作成通聯紀錄，送校教評會主席再與該審查人查證後，提校教評會審議；經校教評會審議屬實者，應即停止其資格審查程序並通知送審人，自通知日起二年內不受理其教師資格審查之申請。
- VI. When the applicant for accreditation of teacher qualification is accused of suspected violation of Subparagraph 5 of Article 2 herein, the OPS shall contact the interfered reviewer and make a record. The chairperson of the UFEC shall deliver the case to the UFEC for deliberation after confirming with the interfered reviewer. If the suspected violation is validated after deliberation, the accreditation of the applicant's teacher qualification shall be suspended immediately and the applicant will be notified about the decision. The applicant shall not apply for accreditation of teacher qualification again within two years from the date of notification.
- 七、 本校審理單位成員、審查人及校外學者專家，與被檢舉人有下列關係之一者，應予以迴避：
- VII. Investigation members of the University, reviewers and external scholars/experts who are related to the accused through one of the following relationships shall recuse themselves.
- (一) 現有或曾有指導博士、碩士學位論文之師生關係。
 - (1) currently or previously supervising the accused's doctoral dissertation or master's thesis
 - (二) 配偶、前配偶、四親等內之血親、三親等內之姻親或曾有此關係者。
 - (2) being the spouse, former spouse, relatives by blood within the fourth degree, or current/former relatives by marriage within the third degree;
 - (三) 學術合作關係、近三年發表論文或研究成果之共同參與研究者或共同著作人、審查該案件時共同執行研究計畫。
 - (3) being academic cooperation partners, co-researchers or co-authors of publications or research achievements in the past three years, or jointly conducting a research project when the case is being reviewed
 - (四) 相關利害關係人、檢舉人、現為或曾為該案件之代理人或輔佐人。
 - (4) being relevant interested parties or the accuser, or currently or previously serving as the proxy or assistant of the case
 - (五) 為當事人之直接主管。
 - (5) being the direct supervisor of the accused
 - (六) 依其他法規應予迴避者。
 - (6) being those that shall recuse in accordance with relevant regulations
- 八、 校教評會應本公正、客觀、明快、嚴謹之原則，處理涉嫌違反送審教師資格規定及學術倫理案件。校教評會審議檢舉案時，應有委員三分之二以上出席，並經出席委員過半數以上之同意，始得決議。

VIII. The UFEC shall handle a suspected case of violating the teacher qualifications accreditation and academic ethics with a fair, objective, decisive, and rigorous principle. A resolution shall be reached only when two-thirds or more of the UFEC members are in attendance and more than half of those present approve.

九、經查證屬實之檢舉案件，校教評會應依情節輕重予以處置，其種類如下：

IX. Faculty who are confirmed to have committed the violation stipulated in these guidelines shall be disciplined by the UFEC according to the severity of the offense. The measures shall include:

(一) 一定期間內不予晉薪、不得申請借調、在外兼職、兼課或合聘。

(1) no annual increment of salary, application of secondment, concurrent job or teaching outside campus, or adjunct professorship with other universities for a certain period

(二) 一定期間內不得申請教授休假研究、延長服務或擔任校內各級教評會委員或學術行政主管職務。

(2) no application for research leave or service extension, or serving as members of faculty evaluation committees at different levels or supervisory positions of academic or administrative units for a certain period

(三) 一定期間內不得申請或停止支給法定給與以外之其他給與或研究計畫補助，嚴重者追回相關計畫補助款項經費。

(3) other than statutory pay, no application for or current payment of project grant or disbursement for a certain period (For serious cases, related personnel fees out of research grants shall be returned.)

(四) 依「專科以上學校教師資格審定辦法」第四十三條規定，予以一定期間不受理教師資格審定之申請。

(4) no application for accreditation of teacher qualification for a certain period, in accordance with Article 43 of *Regulations Governing Accreditation of Teacher Qualifications at Junior Colleges and Institutions of Higher Education*

(五) 依教師法規定予以解聘、停聘、不續聘。

(5) dismissal, suspension, or non-renewal of appointment, in accordance with *Teacher's Act*.

十、教師於送審教師資格審查中或審定後，確有第二點各款情事之一者，本校應將審議程序、處置結果及決定函報教育部備查。其處置涉及教師資格者，應報請教育部撤銷被檢舉人教師資格；涉及解聘、停聘、不續聘者，依教師法相關規定辦理，並應報教育部核准。

X. For faculty who are proven to commit any condition stipulated in Article 2 herein during the process or after the finish of teacher qualification accreditation, the University shall submit the procedure, decision, and reasons of the investigation in a

report to the MOE for reference. If the measure taken against the accused concerns teacher qualification, the case shall be reported to the MOE to revoke the teacher qualification of the accused. If the measure taken against the accused concerns the dismissal, suspension, or non-renewal of appointment, the case shall be handled in accordance with *Teacher's Act* and reported to the MOE for authorization.

經報教育部核准或備查之處置，由本校公告並副知各學校，且不因被檢舉人提出申訴或行政爭訟而暫緩執行。

Cases that are submitted to the MOE for authorization or reference, after being approved, shall be made public and notified to other universities by the University. This measure shall not be suspended by the accused's action of appeal or litigation.

十一、檢舉案經審議決定為不成立者，檢舉人若再次提出檢舉，應提出具體新事證，始依本要點規定之程序處理；無具體新事證者，依原審議決定逕復檢舉人。

XI. When the accuser makes a new accusation about previous unsubstantiated case, the case shall be handled in accordance with these guidelines only when new evidence is provided. If no new evidence is provided, the original investigation report shall be sent to the accuser directly.

對於檢舉人濫行檢舉，致生影響校園和諧之情事，由校教評會認定，並依情節輕重向相關單位提出處置建議。

Malicious accusation resulting in disturbance of campus peace shall be handled by the UFEC. Disciplinary measure may be enforced against the accuser depending on the severity of the offence.

十二、本校進用編制外之教學人員及研究人員準用本要點規定辦理。

XII. Cases concerning contract employed faculty and researchers beyond the manning quota of the University shall be handled in accordance with these guidelines, mutatis mutandis.

十三、本要點如有未盡事宜，悉依「專科以上學校教師資格審定辦法」、「專科以上學校教師違反送審教師資格規定處理原則」及其他有關規定辦理。

XIII. Matters not covered in these guidelines shall be handled in accordance with *Accreditation Regulations Governing Teacher Qualifications at Institutions of Higher Education* and *Regulations for Handling Violations of Teacher Qualifications Accreditation at Junior Colleges and Institutions of Higher Education* and other relevant laws and regulations.

十四、本要點經校教師評審委員會及校務會議通過，陳請校長核定後實施，修正時亦同。

XIV. These guidelines are approved by the UFEC, the University Council, and the President before implementation. Amendments to these guidelines shall follow the same procedure.