

National Changhua University of Education **Student Appeal** Regulations

Established by the Ministry of Education's University Affairs Meeting on 2001-12-19

Approved by Tai (2002) Training (1) Zi Letter 91003678 on 2002-01-10

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Article 1 These regulations have been established to guarantee students' rights to study, life, and education, promote campus harmony, and provide the function of education. The student appeal system has been established pursuant to the regulations of the **University Law** and the Ministry of Education's *University and College Student Appeal Case Principles* in order to handle student appeal cases.

Article 2 University students (including those belonging to undergraduate departments, research institutions, and colleges of further education), student unions, and other relevant voluntary student associations (hereinafter referred to as the claimant) may file an appeal in the case that they think University's punishment or other measures or decisions are not legal or proper and damaging his/her rights or benefits. The aforementioned student refers to with a student who is enrolled in the University where the punishment, other measure, or decision takes place.

Article 3 To manage appeal cases filed by the claimant, the **Committee of Student Grievances** (hereinafter referred to as the Committee) has been especially set up.

Article 4 The Committee's organizational structure and relevant procedural rules are described

below:

A. The Committee has several committee members, which are designated by the school's president, including **Administration Supervisor** representatives, teacher representatives, and student representatives. Among the members, the number of teachers without administrative duties shall not be less than half of the total committee members; and each gender shall make up at least 1/3 of the committee members.

- (a) Administration Supervisor representatives: Chief Secretary, dean of general affairs, R&D chief, and the head of the general education center.
 - (b) Teacher representatives: Two teachers without any administrative duties from each academy, to serve one-year terms. They need to be re-elected to serve another term.
 - (c) Student representatives: One student committee representative and one research institution representative.
 - (d) When the claimant is a student, his/her tutor and a department (institute) representative shall also be required among the committee members, and his/her head of the academy and dean of the department (head of the institute) are also required to attend; when a claimant is a student from a student union or other relevant voluntary student association, his/her tutor and a student meeting representative shall also be considered committee members.
 - (e) The committee members shall also include legal, educational, and psychological experts; when necessary, medical, social, and guidance experts can be additionally hired to serve as committee members.
 - (f) Individuals that serve on the Student Punishment Committee member or are responsible for the punishment decision being appealed shall not serve as a committee member.
- B. Committee meetings shall be convened by the **Student Affairs Office** (hereinafter referred to as the Student Affairs Office). The attending committee members shall recommend one person to be the chairman of the meeting.
- C. Committee meetings shall be attended by at least 2/3 of the committee members. Any decisions shall be passed when agreed to by at least 2/3 of the committee members present.
- D. The Committee's expenditures shall be paid by the University's Student Affairs Office, and its personnel are also subject to allocations from the Student Affairs Office.

Article 5 The appeal is described below:

- A. Undergraduate department students, research institute students, student unions, and other relevant voluntary student associations are appeal units that fall within the charge of the Student Affairs Office's Personal Counseling Section; students of colleges of further education belong to the **Guidance and Counseling Section, College Curriculum and Study Division** for matters including appeal arrangement, case consulting, case receiving, handling, integration, and contact.
- B. A claimant who refuses to accept the University's punishment, other measures, or decisions shall file an appeal in writing to the Committee within ten days from the day after receiving notice of the disputed punishment, measures, or decisions. The appeal application shall provide specific facts and attach relevant documents. If the claimant applies for his/her appeal after the stipulated period because of a natural

disaster or other non-personal faults, he/she shall explain the reasons in writing to the Committee to be able to apply for review. The appeal will not be handled if late more than one year (inclusive).

- C. The receiving unit shall handle the appeal as quickly as possible after receiving it and convene the Committee to perform its review no later than 30 days from the day after receiving the appeal letter; this time period may be extended when necessary, but the claimant must be notified of such. However, this time period may only be extended once and for no more than two months. If the appeal is related to dropping out, expulsion, or other such punishment, the time period shall not be extended. If the Committee finds the appeal letter to be qualified but fixable, the Committee shall inform the claimant to make changes within seven days. Such time for correction shall also be included in the review period.
- D. Once an appeal is filed but before the appeal decision letter is delivered, the claimant may withdraw his/her appeal. After the appeal is filed, the claimant shall immediately inform the University in writing of the appeal event or its involvement, and the University will transmit it to the Committee. The Committee shall stop its review in accordance with the aforementioned notice and notify the claimant of having done so. After the reason for stopping the appeal has disappeared, the review may be continued if the claimant sends a written request; the claimant shall be informed of resuming the appeal in writing. All or part of appeal case decisions is based on whether the appeal or lawsuit relationship is legal. The Committee may stop its review prior to the end of the appeal or the proceeding and shall inform the claimant in writing of doing so; after the reason for stopping the appeal has disappeared, the review shall be continued, and the claimant shall be informed in writing. The preceding two regulations do not apply to appeal cases related to dropping out, expulsion, or similar punishments.
- E. Before confirming the review decision of appeal cases related to dropping out, expulsion, or similar punishments, the University shall allow the respective student to continue his/her studies pursuant to its authority or the student's written request. The University shall seek the Committee's advice when receiving such a request from the student, and, considering the student's life and academic situations, the University shall reply in writing with a statement of enrollment-related rights and obligations within seven days.
- F. During a Committee meeting, implementation of the original punishment of the claimant shall be postponed.
- G. For students that the University agrees to allow to continue to study pursuant to the preceding appeal, except regarding a graduation diploma, the evaluation, rewards, and punishment of courses and grades shall be handled in the same way as for other in-school students.

Article 6 Principles for accepting an appeal case:

- A. The claimant shall only file an appeal once to the Committee for the same case. B.

Committee members shall comply with the principles of fairness and justice pursuant to relevant regulations during their review. C. The Committee meeting shall be private, but with the claimant, original unit representative, and other related individuals present to describe or state what they know about the disputed matter. Individual submissions related to the resolution process and committee members shall be kept confidential. D. During the appeal review and resolution, committee member(s) directly related to the claimant's appeal case shall not participate. E. For an appeal case that involves a claimant's privacy, his/her basic data shall be kept confidential and only provided for reference. F. When an appeal case requires an investigation or field survey, the Committee shall establish an **investigation team** made up of three to five committee members.

Article 7 The resolution document shall include the main text, facts, reasons, etc. Appeal cases that are not accepted shall also be provided with a comment letter. Anything not recorded in the facts shall be handled pursuant to Article 11 of these regulations, namely the appeal review resolution remedy method. If an appeal case exceeds the appeal scope, such shall be stated in the comment letter form and submitted to the Committee in order to complete the administrative proceedings and refusal with the recommended management method.

Article 8 After a resolution document is created by the Committee and approved by President Chan, the original punishment, measure, or decision unit shall be informed. In the event that the original punishment, measure, or decision unit holds dissenting views or finds it difficult to carry out the Committee's decision, said unit shall state specific facts and reasons in writing within the prescribed time period stipulated by the University's appeal regulations and submit them to President Chan and the Committee. If the President believes it has merit, he shall request that the Committee reviews the case again. The resolution document shall pass through administrative proceedings and be approved by the school's president, and then delivered to the claimant so that the University can implement the review's resolution.

Article 9 Regarding student appeals related to dropping out, school expulsion, or similar cases, whose punishment is upheld after review, his/her studies and school enrollment shall be subject to the following:

- A. The deadline in the study certificate shall be subject to the original punishment date.
- B. A proof of credits taken during the appeal period shall be issued to the student.

Article 10 Regarding student appeals related to dropping out, school expulsion, or similar cases, whose punishment is upheld after review, his/her return fees to military service shall be subject to the following: A. Eligible male's *School-leaving student postponed military reason elimination name list* shall be reported within 30 days after the appeal's results determination. B. Return of baseline fees shall be handled pursuant to Article 8 of **National Colleges and Above Student Fee Collection Method** and Article 15 of **National Colleges and Above Student Miscellaneous Fees Collection Method**.

Article 11 In the case that the claimant refuses to accept the administrative punishment decision, he/she may appeal to the Committee within 30 days after receiving the appeal comment letter, attach the appeal letter to the resolution document, and submit it through the University to the Ministry of Education. Once the aforementioned appeal letter has been received, the University shall provide a statement of defense as soon as possible and also submit the necessary related documents to the Ministry of Education. In the case that a claimant refuses to accept other punishment, measure, or decision by the University, except for administrative punishment, he/she may still file an appeal for the Committee according to the characteristics of the case and request a remedy.

Article 12 If a claimant refuses to accept the administrative punishment decision made by the University and decides to file an appeal directly with the Ministry of Education instead of through the Committee, such an appeal will be transferred to the University and handled according to these student appeal procedures.

Article 13 Important instruction points regarding appeal and administrative appeal remedy: A. For students whose punishment, such as dropping out, school expulsion, or something similar has been overturned pursuant to the appeal's resolution or administrative proceedings but who is unable to resume schooling in time due to an approved special reason, each university shall instruct him/her to resume; for military eligible males who are unable to resume schooling, the university shall retain him enrolled in the school and instruct him to resume his studies after his military service; the suspension of schooling during the leave and before resuming shall also be registered. B. The aforementioned student shall cancel his/her dropping out proceedings pursuant to the University's regulations.

Article 14 Supplementary Provisions:

- A. These student appeal regulations are a part of the student equity remedy, which shall be on the premise of damage to a student's individual interest and thus different from represented opinions; therefore, the University shall universally promote the student appeal regulations at weekly assemblies so that students are familiar with them and their functions.
- B. To smooth student opinions delivered through stating, recommending, accusing, and other methods, the University's Student Affairs Office has set up a suggestion box for student use.
- C. Students involved in an appeal related to sexual assault or sexual harassment on campus and belongs to Item 2 of Article 28 in the *Gender Equity Education Act* through investigation shall have their cases handled pursuant to the provisions stipulated in the *Gender Equity Education Act*.

Article 15 These regulations shall only be implemented upon being discussed by the Educational Administration and approved by the school's president; the same shall apply to any revisions.