

建國科技大學學生申訴制度實施辦法

CTU Student Appeal Regulations

民國83年8月30日初訂

民國89年8月24日第一次校務會議修訂通過

民國90年11月7日第二次校務會議修訂通過

民國90年12月28日第三次校務會議修訂通過

民國95年6月14日第四次校務會議修訂通過

遵照民國95年6月28日教育部台訓(二)字第0950093463號函修訂通過

遵照民國95年7月14日教育部台訓(二)字第0950104192號函修正後同意核定

遵照民國100年6月8日教育部臺訓(一)字第1000068208C號令修訂通過

民國105年6月29日校務會議修訂通過

民國107年9月19日校務會議修訂通過

民國108年11月20日校務會議修訂通過

民國111年12月28日校務會議修訂通過

遵照民國112年3月24日臺教學(二)字第1120021571號函修訂通過

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第一條 本校為建立學生溝通管道，以保障學生學習、生活與受教權益，增進校園和諧，特依「大學法」第三十三條第四項及本校「組織規程」第二十五條第六項相關規定，訂定「建國科技大學學生申訴制度實施辦法」(以下簡稱本辦法)，並設置學生申訴評議委員會(以下簡稱學生申評會)。

Article 1 The Chienkuo Technology University (CTU or “the University”) has established channels of communication for students’ learning, life, rights to education, and promoting harmony on campus. The University, in accordance with Article 33, Paragraph 4 of the *University Act* and Article 25, Paragraph 6 of the *University’s Organizational Charter*, has formulated Student Appeal Regulations (“the Regulations”). Additionally, the Student Grievances Committee (SGC) has been established.

第二條 學生或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，得依本辦法提起申訴。

Article 2 Students, student associations and other relevant student autonomous organizations believe that the sanctions, other measures or decisions imposed by the University have violated the law or their rights and interests may file a complaint with the SGC in accordance with the Regulations.

前項所稱學生，指學校對其為懲處、其他措施或決議時，具有學籍者。但依性別平等教育法第三十四條、校園霸凌防制準則第二十七條對申復結果不服提起申訴者，不在此限。

“Students” as mentioned in the preceding paragraph specifically refers to those who has been enrolled as a student at the time when the University imposes penalties/punishments, other measures or resolutions against them. However, the Regulations do not apply to those who refuse to accept the appeal in accordance with Article 34 of the *Gender Equality Education Act* and Article 27 of the *Campus Bullying Prevention Guidelines*.

第三條 學生申評會依下列規定組織：

Article 3 The Student Grievances Committee (SGC) is established in accordance with the following regulations:

一、學生申評會置委員十一至十九人，任期一年，並得連任，陳請校長核准後聘任之。教師代表由各院、通識教育中心各推派二人；其中未兼行政職務之教師不得少於委員總數二分之一；學生代表中應含學生會代表。

(1) The Student Grievances Committee shall consist of 11 to 19 members, with a term of one year, and members are eligible for reappointment. Their appointment is subject to the approval of the University president. Teacher representatives shall be nominated by each college and the General Education Center, with two representatives from each; among them, at least half of the teacher representatives should not hold administrative positions. Student representatives must include representatives from the Student Union.

二、學生申評會置主席一人，由委員互選之，並主持會議進行。主席未產生前，得由校長先指定一人擔任召集人。

(2) The Student Grievances Committee shall appoint one chairperson, who will be elected by the committee members and preside over the meetings. In the absence of a chairperson, the University president may designate a convener until the chairperson is elected.

三、學生申評會置執行秘書一人，由學生事務長指定專人擔任，支援相關行政作業。

(3) The Student Grievances Committee shall appoint one executive secretary, designated by the Dean of Student Affairs, to provide dedicated support for relevant administrative tasks.

四、學生申評會成員任一性別委員應占委員總數三分之一以上；且教師代表中應有法律、教育、心理專長之教師，若校內無適當人選，應增聘校外相關學者專家擔任委員。

(4) One-third or more of the members of the Student Grievances Committee should be representatives of each gender. Among the teacher representatives, there should be teachers with expertise in law, education, and psychology. If there are no suitable candidates within the university, external scholars or experts in relevant fields should be appointed as

committee members.

五、已擔任學生事務委員會之委員或負責學生獎懲調查與決定之人員，不得擔任學生申評會委員，但應推派代表列席說明學生事務委員會決議之理由。

(5) Individuals who have served as members of the Student Affairs Committee or those responsible for investigating and deciding on student rewards and penalties are not eligible to become members of the Student Review Committee. However, they should designate a representative to attend and explain the reasons behind the decisions of the Student Affairs Committee.

六、如遇特殊教育學生申訴案件，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專業人員擔任委員，其任期不受第一款之限制。

(6) In the event of appeals cases involving students with special educational needs, at least two additional members shall be appointed. These members should include experts in special education related to the specific needs of the student, representatives from parent groups specializing in special education, or other professionals in the field of special education. Their term of service is not subject to the limitation mentioned in the first paragraph.

七、如遇境外生申訴案件，得於個案會期內推選增加具境外生學生輔導經驗或具人事相關法規專業之校內外臨時委員。

(7) In the event of appeals cases involving international students, temporary committee members with expertise in counseling for international students or professionals with knowledge of relevant personnel regulations may be elected within the term of the specific case. These additional members may be selected from both within and outside the university.

外聘委員出席會議，得依本校相關規定酌支出席費及交通費。

External committee members attending meetings may receive attendance fees and transportation allowances in accordance with the relevant regulations of the University.

申訴人於案件開始評議前，得舉陳原因及具體事實申請對該案有利害關係之委員迴避，並由學生申評會決議之；委員對申訴案件自認有利害關係時，應自請迴避，有應迴避而未迴避，且未經申訴人申請迴避者，應由學生申評會依職權命其迴避。迴避之委員不計入出席委員人數。

Before the review meeting, the appellant could petition, with reasons and specific facts, the committee members who may have a conflict of interest to recuse. The decision on recusal shall be made by the Student Grievances Committee. Members of the committee who have an interest in the appeal case shall recuse themselves. In cases where recusal is necessary but not voluntarily undertaken, and if not requested by the appellant, the Student Grievances Committee shall, by authority, instruct the member to recuse. Recused members are not counted in the total number of attending committee members.

學生申評會開會應有委員三分之二（含）以上出席，除評議決定書之決議以出席委員三分之二（含）以上之同意為通過外，其餘事項之決議，以出席委員過半數同意為通過。

For Student Grievances Committee meetings, at least two-thirds (including two-thirds) of the committee members should be present. Except for written resolutions related to the review, which requires the agreement of at least two-thirds of the attending committee members to pass, resolutions on other matters require the agreement of more than half of the attending committee members to pass.

特教學生申評會應有全體委員三分之二以上出席，始得開會；並應有依第一項第六款增聘之委員出席，始得開會。特教學生申評會應有出席委員三分之二以上同意始得決議。

For the Student Grievances Committee handling cases involving special education students, a meeting may only commence when two-thirds or more of all committee members are present. The meeting must also include the additional members appointed according to the provisions of Article 1, Paragraph 6. Resolutions in the Student Grievances Committee for special education cases require the agreement of two-thirds or more of the attending committee members to be valid.

第四條 學生申評會評議，應兼顧學校與學生之尊嚴、校園倫理與校園民主，公平裁量、獨立審議。申訴事項涉及品行考核、學業評量或懲處方式之選擇，應尊重教師及學校本於專業及對事實真象之熟知所為之決定，僅於其判斷或裁量違法或顯然不當時，得予撤銷或變更。

Article 4 The review of the Student Grievances Committee should take into account the dignity of both the school and the students, campus ethics, and campus democracy. The proceedings should be characterized by fair discretion, independent review, and respect for the professionalism and intimate knowledge of facts demonstrated by teachers and the school in their decisions related to conduct assessments, academic evaluations, or the choice of disciplinary measures. The Committee may only annul or modify such decisions when it deems them illegal or clearly inappropriate.

申訴案件之評議以不公開為原則，但得通知申訴人、原單位之代表及關係人到場說明或陳述意見，並提出書面說明文件。

During the review, the principles of neutrality and non-disclosure shall be upheld. However, the appellant, representatives from the original unit, and relevant individuals may be notified to attend and provide explanations or express opinions. They may also submit written explanatory documents.

申訴人之資料、學生申評會之評議及委員個別意見等，全體出席委員及列席人員應予保密不得外洩。

Information about the appellant, the review of the Student Grievances Committee, and individual opinions of committee members should be kept confidential, and all attending committee members and participants should refrain from disclosing such information.

第五條 學生或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，如有不服，應

於收到或接受相關懲處、措施或決議次日起二十日內，以書面提列具體事實並檢附相關資料，向學生申評會提出申訴，逾期不予受理。

Article 5 If students, student associations and other relevant student autonomous organizations are unsatisfied with the disciplinary, other measures, or decisions, should, within 20 days from the next day after receiving the relevant disciplinary, measures, or decisions, submit a written statement to the Student Grievances Committee. The appeal should include specific facts and relevant materials. Appeals submitted after the deadline will not be accepted.

申訴人因天災或其他不應歸責於己之事由，致遲誤前項申訴期間者，於其原因消滅後十日內，得以書面敘明理由向學生申評會申請受理評議。但遲誤申訴期間已逾一年者，不予受理。

If the appellant fails to appeal by the deadline due to natural disasters or force majeure, they may request an appeal by submitting a written account of the reasons for the delay to the SGC within 10 days after the termination of the force majeure event. However, if one year or more has passed since the appeal deadline, the request will not be accepted.

特殊教育學生或其監護人、法定代理人逾期提起申訴，不予受理。如因不可抗力或不可歸責於己之事由，並提出具體證明者，不在此限。

Special education students or their guardians, legal representatives, who file an appeal beyond the deadline will not be accepted. However, if they can provide supporting evidence of force majeure or circumstances beyond their control, the time limit does not apply.

申訴人就同一案件向學生申評會提出申訴者，以一次為限。

Separate appeals about the same matter filed by the appellant shall be subject to the principle of non bis in idem (appeals cannot be filed twice for the same matter).

第六條 學生申評會接獲學生或學生會及其他相關學生自治組織申訴書之次日起三十日內，完成評議；必要時，得予延長，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。

Article 6 The SGC shall complete the review within 30 days after the appeal is received and, if an extension is necessary, notify the appellant of the extension. Such extensions shall be limited to once for a period of no more than two months. Appeals involving withdrawal or expulsion from school or similar sanctions shall not be extended.

特殊教育學生申訴之評議，應於評議決定之次日起二十日內，作成評議決定書。

The review report for special education students shall be made within 20 days after the decision is made.

學生申評會認為申訴書不合規定，而其情形可補正者，應通知申訴人於七日內補正。其補正期間應自評議期間內扣除。

If the SGC deems the written appeal to be inconsistent with the provisions but believes it can be corrected or supplemented, the SGC may ask the appellant to add supplemental evidence or otherwise correct the appeal within seven days and the correction time shall be deducted from the review period.

申訴案有調查或實地瞭解之必要時，得經學生申評會決議，推派委員三至五人成立「調查小組」為之。

The SGC may resolve to establish an investigative team, which in principle shall consist of three to five SGC members to investigate the appeal.

學生申評會審議期間，得建議原處分單位對申訴人原處分暫緩執行。

During the review period, it is permissible to recommend that the sanctioning unit temporarily suspend the execution of the disciplinary action against the appellant.

申訴提起後，於申訴評議決定書送達前，申訴人得以書面撤回申訴。申訴人經通知後，除有具體重大事由並經學生申評會認定，未於通知評議日出席者，視為撤回申訴。

The appellant may withdraw the appeal in writing before the review decision is handed down. If the appellant, upon being properly served, fail to attend the review on the scheduled date, it will be considered as a withdrawal of the appeal unless there are specific and significant reasons recognized by the SGC.

第七條 申訴提起後，申訴學生就申訴事件或其牽連之事項，提出訴願或訴訟者，應即以書面通知學校，由學校轉知學生申評會。

Article 7 If the appellant or any other related parties file a petition or lawsuit of any sort regarding the appeal or related matters while a review is being conducted, they shall notify the University of such petitions or lawsuits in writing. The University shall then notify the SGC.

學生申評會依前項通知或依職權知前項情事時，應停止評議，並通知申訴人；於停止原因消滅後，經申訴人書面請求，應繼續評議，並以書面通知申訴人。申訴案件全部或一部分之評議決定，以訴願或訴訟之法律關係是否成立為據者，學生申評會於訴願或訴訟程序終結前，應停止評議，並以書面通知申訴人；於停止原因消滅後，應繼續評議，並以書面通知申訴人。

The SGC shall suspend the review upon receipt of such notification and notify the appellant; once the reason for suspension of the review is eliminated, the SGC shall give written notice to the appellant that the review may be resumed upon the appellant's written request. If a ruling on all or part of an appeal hinges on whether a legal relationship between the appeal and litigation has been established, the SGC shall suspend the review before the conclusion of the appeal or litigation and notify the appellant in writing; after the reason for the suspension is eliminated, the SGC shall give written notice to the appellant that the review may be resumed.

學生遭受退學、開除學籍、足以改變其學生身分及損害其受教育機會或類此處分之申訴

案件，不適用前二項規定。

The provisions stipulated in the two preceding paragraphs do not apply to appeals against a dismissal, expulsion, change that student's status and hinder his/her opportunity to receive an education. or similar sanctions.

第八條 學生遭受退學、開除學籍或類此處分之申訴案件，學生於評議決定確定前，不因申訴之提起，而停止原處分之執行。但在校生得依學則規定繼續在校肄業。

Article 8 Cases related to dismissal, expulsion, or similar sanctions have been accepted but are pending, the appellant is still subject to the original sanction. However, the student is allowed to continue their study at the University.

依前項規定在校肄業之學生，學校除不得授給畢業證書外，其他修課、成績考核、獎懲得比照在校生處理。

Appellants who are permitted to continue their studies as set forth in the preceding paragraph shall not be issued a diploma; however, all courses, academic performance evaluations, and penalties/punishments and rewards shall be handled in a normal manner.

第九條 評議決定書應包括主文、事實、理由等內容。不受理之申訴案件亦應作成評議決定書，其內容得不記載事實。

Article 9 The review report should include ruling, facts, and reasons. A review report shall also be made for rejected appeals. In such reports, the facts may go unrecorded.

申訴案件與境外生有關，評議決定書得以英語或中英雙語方式書寫。

When the appeal case is related to international students, the review report should be written in either English or English/Chinese.

前項評議決定書並應依第十二條規定，記載不服申訴評議決定之救濟方法。

The review report shall also record remedies for those who wish to dispute the appeal and review decision in accordance with Article 12 of the Regulations.

第十條 申訴評議決定書依學生申評會之組織及隸屬，經校長核定後，送達申訴人。

Article 10 The review report made by the SGC shall be confirmed by the Committee, submitted to the president for approval, and then served to the appellant.

申訴評議決定書陳校長核定時，應知會原為懲處、措施或決議之單位。原為懲處、措施或決議之單位認有牴觸法令、本校校務會議通過之相關規定或窒礙難行者，應於十日內，以書面敘明具體事實及理由，陳報校長，並副知學生申評會；校長認為有理由者，得移請學生申評會再議，並以一次為限。

The review report shall be submitted to the president for approval, and then served to the appellant and the sanctioning unit. If the sanctioning unit believes that the ruling is in violation of any regulations from the School Affair Committee, or is inconsistent with the facts of the case, it may submit a petition within 10 days that presents the specific facts of the case and its reasoning therefrom to the president for reconsideration. If reconsideration is deemed necessary, the president shall refer the petition to the SGC for reconsideration which shall be limited to once.

第十一條 申訴評議決定經核定後，學校應依評議決定執行。

Article 11 The appeal shall be adopted by the University upon completion of all administrative procedures.

學生遭受退學、開除學籍或類此處分之申訴案件，經評議確定維持原處分者，並依下列規定辦理：

If the SGC upholds the sanction in an appeal regarding a dismissal, expulsion, or similar sanctions, matters related to school attendance and enrollment shall be handled as follows:

一、修業證明書所載修業截止日期，以原處分日期為準。

(1) The date of attendance termination stated in the attendance certificate shall be the date issued in the original sanction.

二、役男「離校學生緩徵原因消滅名冊」，於申訴結果確定後三十日內冊報。

(2) Pursuant to the *List of Deferred Enlistment Revocations for School-leaving Students*, draftees must report for military service within 30 days after the appeal result is confirmed.

三、退費基準依專科以上學校向學生收取費用辦法第八條及專科以上學校學雜費收取辦法第十五條規定辦理。

(3) Tuition refunds shall be issued in accordance with Article 8 of the *Regulations for Fee Collection for Colleges, Universities, and Institutes* and Article 15 of the *Regulations for the Collection of Tuition and Miscellaneous Fees for Colleges, Universities, and Institutes*.

第十二條 申訴人就學校所為之行政處分，經向學校提出申訴而不服其決定，得自申訴評議決定書送達次日起三十日內，繕具訴願書，檢附學校申訴評議決定書，經學校向教育部提起訴願。

Article 12 If an appellant who has undergone administrative sanctions by the University wishes to dispute the final ruling of the SGC, they may submit a petition with the appeal and final ruling to the Ministry of Education within 30 days after the final ruling was served in accordance with the law.

學校收到前項訴願書，應儘速附具答辯書，將必要之關係文件，函報送交教育部。

Upon receipt of the aforementioned petition, the University shall prepare a statement of defense with all due speed and submit the related documents to the Ministry of Education.

申訴人就學校所為之行政處分，未經學校申訴程序救濟，逕向教育部提起訴願者，教育部依規定仍將該案件移由學校依學生申訴程序處理。

If an appellant files an appeal to the Ministry of Education regarding the administrative sanctions of the University without requesting relief through its appeal procedures and the case is transferred back to the University, the University shall handle it in accordance with the Regulations.

申訴人就學校所為行政處分以外之懲處、其他措施或決議，經向學生申評會提起申訴而不服其決定，得按其性質依法提起行政訴訟，請求救濟。

If an appellant, who has filed an appeal to the SGC regarding penalties/punishments or measures or resolutions other than administrative sanctions and has been rejected, wishes to dispute the final ruling, they may file a lawsuit requesting relief accordingly.

第十三條 評議決定、訴願決定或行政訴訟判決撤銷學校原退學、開除學籍或類此處分者，其因特殊事故無法及時復學時，學校應輔導其復學；對已入營無法復學之役男，學校應保留其學籍，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。

Article 13 If a dismissal or expulsion ruling is overturned or modified, thus allowing a student to resume their studies, but the student is not able to do so immediately for specific reasons, the University shall offer to assist the student in resuming their studies. The University shall retain the student status of draftees who have already reported for military service and therefore cannot resume their studies and assist them in resuming their studies after they are discharged; such students may be granted a suspension of studies during the leave period before they resume studies at the University.

依訴願決定或行政訴訟判決另為處分並同意學生復學者，應依學校規定完成撤銷退學程序。

If a dismissal or expulsion ruling is overturned or modified, thus allowing a student to resume studies, the dismissal/expulsion shall be revoked in accordance with applicable regulations of the University.

第十四條 本辦法屬學生權益救濟性質，應以學生個人權益受損為前提，故應將本辦法載入學生手冊、列入重大集會或學校網頁，並廣為宣導，使學生了解申訴制度之意義及功能。

Article 14 These Regulations are remedies with regard to student rights, and should be premised on student rights being infringed. The Student Appeal Regulation shall be included in the student handbook and be posted and announced on the University website for students' notice.

學生因校園性侵害、性騷擾、性霸凌、校園霸凌事件提請申訴，依性別平等教育法、校園霸凌防制準則相關規定處理。

If the appellant files an appeal alleging sexual assault, sexual harassment, or sexual bullying, the appeal shall be handled in accordance with the relevant provisions of the *Gender Equality Education Act* and *Campus Bullying Prevention Guidelines*.

學生有關學習成績考評之申訴，應先循系（組、室）、院（中心）、教務處之程序辦理後，如有不服，再提申訴評議。

The appeal related to academic performance evaluation should first follow the procedures within the department (division, office), college (center), and academic affairs office. If an appellant dispute the final ruling, he/ she may file a complaint.

為暢通學生意見，學生陳情、建議、檢舉及其他方式所表示之意見，不適用本辦法之規定，由本校相關單位另行規範處理或輔導。

To facilitate the expression of student opinions, feedback, suggestions, reports, and other forms of expression are not applicable to the regulations. Instead, relevant units within the university should establish separate guidelines for the handling or counseling.

第十五條 特殊教育學生申訴案件悉依「特殊教育學生申訴服務辦法」辦理，倘有未盡事宜，依本校學生申訴制度實施辦法及相關規定辦理。

Article 15 Special education students' grievances shall be processed in accordance with the *Regulations Governing Services Related to Special Education Students' Grievances*. Any unsettled affairs shall be processed in accordance with *CTU Student Appeal Regulations* and the relevant provisions.

第十六條 本辦法經校務會議通過，報請教育部核定後公布實施，修正時亦同。

Article 16 The Regulations shall be passed by the University Affair Committee, submitted to the MOE for approval, and then implemented on the date of promulgation. Amendments must follow the same procedure.