

National Taiwan Ocean University

Regulations Governing Student Appeals

Amendments approved by the University Affairs Meeting on June 12, 1997
Approved by the Ministry of Education on August 1, 1997; promulgated on January 10, 1998
Amendments approved by the University Affairs Meeting on January 9, 2003
Amendments approved by the University Affairs Meeting on June 19, 2003
Approved by the Ministry of Education on August 11, 2003
Promulgated by Order no. Hai-Xue-Sheng No. 0920006319 on August 18, 2003
Amendments approved by the University Affairs Meeting on April 20, 2006
Amendments approved by the University Affairs Meeting on June 15, 2006
Approved by the Ministry of Education (Order no. Tai-Xun (II) No. 0950124996) on August 28, 2006
Promulgated by Order no. Hai-Xue-Sheng No. 0950008696 on June 13, 2006
Amendments approved by the University Affairs Meeting on January 4, 2007
Approved by the Ministry of Education (Order no. Tai-Xun (II) No. 0960034144) on March 9, 2007
Promulgated by Order no. Hai-Xue-Sheng No. 0960003059 on March 22, 2007
Amendments approved by the University Affairs Meeting on June 4, 2009
Approved by the Ministry of Education (Order no. Tai-Xun (I) No. 0980134042) on August 5, 2009
Amendments approved by the University Affairs Meeting on June 9, 2011
Amendments approved by the University Affairs Meeting on January 5, 2012
Approved by the Ministry of Education (Letter no. Tai-Xun (I) No. 1010026375) on February 16, 2012
Promulgated by Order no. Hai-Xue-Sheng No. 1010001768 on February 29, 2012
Amendments approved by the University Affairs Meeting on June 14, 2012
Approved by the Ministry of Education (Letter no. Tai-Xun (I) No. 1010119535) on July 2, 2012
Promulgated by Order no. Hai-Xue-Sheng No. 1010009144 on July 17, 2012
Amendments approved by the University Affairs Meeting on December 11, 2014
Approved by the Ministry of Education (Letter no. Tai-Jiao-Xue (II) No. 1040005214) on January 19, 2015
Promulgated by Order no. Hai-Xue-Sheng No. 1040001185 on January 22, 2015
Amendments approved by the University Affairs Meeting of the 1st semester of AY 2022 on November 24, 2022
Approved by the Ministry of Education (Letter no. Tai-Jiao-Xue (II) No. 1110126386) on January 3, 2023
Promulgated by Order no. Hai-Xue-Sheng No. 1120000073 on January 9, 2023
Amendments approved by the University Affairs Meeting of the 1st semester of AY 2024 on November 28, 2024
Approved by the Ministry of Education (Letter no. Tai-Jiao-Xue (II) No. 1130134515) on January 7, 2025
Promulgated by Order no. Hai-Xue-Sheng No. 1140000542 on January 15, 2025

Chapter 1

General Provisions

- Article 1 Pursuant to Paragraph 4 of Article 33 of the University Act and Article 45 of the University's Organizational Regulations, the University establishes the Student Appeals Review Committee of National Taiwan Ocean University (hereinafter, the "Student Appeals Committee") and hereby promulgates these Regulations.
- Article 2 The purpose of the Student Appeals Committee is to establish an appeals channel and to handle appeals filed by students, the student association, and other relevant student self-governing organizations from a fair, impartial, and independent standpoint, so as to safeguard students' rights and interests in learning, campus life, and education, and to promote campus harmony.

Chapter 2

Organization and Functions

- Article 3 The Student Appeals Committee shall be composed of the following members:
Faculty Members: One (1) member elected by each college, the Center for General Education, and the Faculty Association.
Appointed Members: Three (3) to four (4) persons appointed by the President, from within or outside the University, who possess expertise in law, education, and psychological counseling.
Student Members: One (1) member elected by each college, the Continuing Education and Extension Division, the Student Association, and the Student Council.
Any person who serves as a member of the Student Rewards and Disciplinary Committee, or who is responsible for making, or investigating, student rewards/disciplinary decisions, shall not serve as a member of the Student Appeals Committee. Faculty members who do not concurrently hold administrative positions shall comprise no less than one-half (1/2) of the total membership.
Members of any one gender shall constitute not less than one-third (1/3) of the total membership.
The Student Appeals Committee may, depending on the nature of an appeal case,

invite relevant experts, representatives of the Student Association (and/or Student Council), or representatives of other relevant student self-governing organizations to attend meetings as non-voting participants for consultation.

In cases involving appeals by students with special education needs, the President shall additionally appoint at least two (2) external scholars/experts in special education relevant to the student's needs, representatives of parent organizations for special education, or other special education professionals, to serve as members for that case.

A Student Appeals Committee formed in accordance with the preceding paragraph shall serve as the University's Special Education Student Appeals Review Committee (hereinafter, the "Special Education Student Appeals Committee").

Article 4 All members of the Student Appeals Committee shall serve without remuneration. The term of office shall be one (1) year. Members may be re-elected or re-appointed for consecutive terms.

Article 5 The Student Appeals Committee shall have one (1) Chairperson, who shall be elected by and from among the members. The Chairperson may be re-elected for consecutive terms.

Article 6 The Student Appeals Committee shall have one (1) Executive Secretary and one (1) Assistant Secretary to handle administrative affairs. Such positions shall be concurrently held by the Chief of the Life Guidance Services Section and one (1) staff member of the same section, respectively.

Article 7 The Student Appeals Committee shall review and decide the following matters:
Where a student believes that a disciplinary action, other measure, or resolution imposed or adopted by the University concerning the student's educational rights and interests is unlawful or improper and thereby infringes upon the student's rights and interests.

Where the Student Association or other relevant student self-governing organizations dispute the University's disciplinary action, other measure, or resolution.

Article 8 Meetings of the Student Appeals Committee shall be convened on an as-needed basis by the Chairperson, who shall preside over the meeting. A meeting may be convened only when at least one-half (1/2) of the members are in attendance.
A decision on matters under Article 7 shall require the affirmative vote of at least two-thirds (2/3) of the members present. For matters not under Article 7, a resolution shall require the affirmative vote of at least one-half (1/2) of the members present.

Chapter 3

Procedures

Article 9 Where a student, the Student Association, or any other relevant student self-governing organization (hereinafter collectively, the "Appellant") considers that a disciplinary action, other measure, or resolution imposed or adopted by the University is unlawful or improper and thereby infringes upon the Appellant's rights or interests, the Appellant may file an appeal with the Student Appeals Committee in accordance with these Regulations.

For purposes of the preceding paragraph, the term "student" refers to a person who held student status (i.e., was enrolled) at the time the University imposed the disciplinary action, other measure, or resolution. This limitation shall not apply, however, to: (i) appeals filed by a person who is dissatisfied with the result of a reconsideration under Subparagraph 3 of Paragraph 1 of Article 39 of the Gender Equity Education Act; or (ii) appeals filed by a person who is dissatisfied with the final substantive disposition and files an appeal pursuant to Paragraph 3 of Article

46 and Article 48 of the Guidelines for Prevention of Campus Bullying.

Article 10 If the Appellant disputes a disciplinary action, other measure, or resolution imposed or adopted by the University, the Appellant shall, within thirty (30) days from the day following receipt of the relevant disciplinary action, measure, or resolution, submit a written appeal setting forth specific facts and attaching relevant supporting materials to the Student Appeals Committee for processing. Late submissions shall not be accepted.

Where the Appellant fails to meet the deadline set forth in the preceding paragraph due to a natural disaster or other cause not attributable to the Appellant, the Appellant may, within ten (10) days after such cause ceases to exist, submit a written application to the Student Appeals Committee stating the reasons and requesting acceptance for review. However, if more than one (1) year has elapsed since the expiration of the appeal period, no such application may be made.

An Appellant may withdraw an appeal at any time prior to service of the appeals review decision (hereinafter, the “Decision”). A student, the Student Association, or any other relevant student self-governing organization may file an appeal with the University regarding the same case only once.

Article 11 Where investigation or on-site fact-finding is necessary for an appeal case, the Student Appeals Committee may, by resolution, appoint three (3) to five (5) persons to form an “Investigation Panel” for such purpose. The Investigation Panel shall submit its findings, reasons, and evidence to the Student Appeals Committee for determination as to whether the case is established.

Article 12 Voting by the Student Appeals Committee and the opinions of its members shall be kept confidential. Where a member has a direct relationship to the appeal case, the member shall recuse themselves, or the Student Appeals Committee may, by resolution, require such member(s) to recuse themselves.

Article 13 Deliberations on appeal cases shall, in principle, be closed to the public. However, the Student Appeals Committee may notify the Appellant, a representative of the original decision-making unit, and other relevant parties to attend and provide explanations.

Article 14 Where the decision on an appeal case, in whole or in part, depends on whether a legal relationship subject to administrative appeal proceedings or litigation is established, the Student Appeals Committee may suspend its deliberation prior to the conclusion of such administrative appeal or litigation procedures, and shall notify the Appellant in writing. After the cause for suspension ceases to exist, the Student Appeals Committee shall resume deliberation upon notification by the Appellant or the University unit responsible for the original measure, or upon the Committee otherwise becoming aware thereof, and shall notify the Appellant in writing.

Appeal cases involving dispositions such as withdrawal from school, expulsion, or other dispositions sufficient to alter student status and impair educational opportunities shall not be subject to the preceding paragraph.

Article 15 From the day following receipt of the written appeal, the Student Appeals Committee shall, except where the appeal should not be accepted, has been withdrawn by the Appellant, or deliberation is suspended, complete its review and render a decision within thirty (30) days. Where necessary, the review period may be extended and the Appellant shall be notified; such extension shall be limited to one (1) time and shall not exceed two (2) months in total. However, for appeals involving withdrawal from school, expulsion, or similar dispositions, no extension shall be permitted.

Where the Student Appeals Committee finds that the appeal petition does not

conform to the requirements but the deficiencies are curable, it shall notify the Appellant to make corrections within seven (7) days. The correction period shall be excluded from the calculation of the review period.

After approval by the President, the written decision (the “Decision”) shall be served on the Appellant and the original decision-making unit. After the Decision is approved, the University shall implement it accordingly.

Article 16 During the review period, the Student Appeals Committee may recommend a temporary suspension of enforcement of the original disposition imposed on the Appellant.

Article 17 Before the appeal result becomes final, the University’s original disposition shall not be stayed merely by the filing of an appeal. However, a currently enrolled student may continue to attend the University. During the appeal period, a student who continues enrollment shall, except that the University shall not issue a diploma, be handled in the same manner as an enrolled student with respect to course enrollment, academic assessment, and rewards and disciplinary matters.

Article 18 For appeals involving withdrawal from school, expulsion, or similar dispositions, where the Decision becomes final and upholds the original disposition, the end date of study stated on the certificate of study shall be based on the date of the original disposition.

Article 19 For appeals involving withdrawal from school, expulsion, or similar dispositions, where the Decision becomes final and upholds the original disposition, matters relating to conscription and fee refunds shall be handled as follows:

1. The roster for “cause for deferment of conscription of students who have left school has ceased to exist” shall be prepared and reported within thirty (30) days after the appeal result becomes final.

Refund standards shall be handled in accordance with Article 8 of the Regulations Governing Fees Charged to Students by Junior Colleges and Above and Article 15 of the Regulations Governing the Collection of Tuition and Miscellaneous Fees by Junior Colleges and Above.

Article 20 Where the Appellant remains dissatisfied after filing an appeal with the University regarding an administrative disposition, the Appellant may, within thirty (30) days from the day following receipt of the Decision, prepare a petition for administrative appeal, which shall be forwarded to the Ministry of Education after the University compiles the case file and submits its response; the Appellant shall also attach the University’s Decision when filing the administrative appeal.

Where the Appellant remains dissatisfied after filing an appeal with the University regarding a disciplinary action, other measure, or resolution that is not an administrative disposition, the Appellant may, depending on the nature of the matter, seek relief by filing litigation in accordance with applicable law.

Article 21 Where the review decision, the decision on administrative appeal, or an administrative court judgment revokes the University’s original disposition of withdrawal from school, expulsion, or similar disposition, and the student is unable to resume studies in a timely manner due to special circumstances, the University shall provide guidance and assistance for resumption of studies. For a conscripted male student who has already entered military service and is unable to resume studies, the University shall retain the student’s enrollment status and, after discharge, provide guidance to facilitate priority resumption of studies. The period of leave from school prior to resumption may be processed retroactively as a leave of absence. Where the decision on administrative appeal or an administrative court judgment orders a new disposition and permits the student to resume studies, the procedures for revocation of withdrawal from school shall be completed in

accordance with the University's relevant regulations.

Chapter 4

Supplementary Provisions

- Article 22 The written decision (the "Decision") shall include the operative part, the facts, and the reasons, among other contents. A Decision shall also be prepared for appeals that are not accepted; however, in such cases, the facts need not be stated. The Decision referred to in the preceding paragraph shall set forth the available remedies for challenging the appeal decision.
- Article 23 In rendering decisions, priority shall be given to the protection of students' rights and interests. Reviews shall be conducted in accordance with the laws and regulations currently applicable to students, and shall be guided by the principles of fairness and justice.
- Article 24 When the Decision is submitted to the President for approval, the unit that originally imposed or adopted the disciplinary action, measure, or resolution shall be notified. Where such unit considers that the Decision conflicts with applicable laws and regulations or is impracticable to implement, it shall, within five (5) days, submit a written report to the President stating specific facts and reasons, with a copy to the Student Appeals Committee. If the President finds such report to be well-grounded, the President may refer the matter to the Student Appeals Committee for reconsideration, limited to one (1) time.
- Article 25 The student appeals system shall be included in the Student Handbook and shall be widely publicized so that students understand the function of the appeals system. Where a student files an appeal in connection with a campus gender-related incident or a campus bullying incident, the matter shall be handled in accordance with the Gender Equity Education Act or the relevant provisions of the Guidelines for Prevention of Campus Bullying, as applicable.
- Article 26 These Regulations shall be promulgated and implemented after approval by the University Council and approval by the Ministry of Education, and upon due announcement.