

國立臺灣海洋大學學生申訴辦法

National Taiwan Ocean University Guidelines for Handling Student

Appeals

- 86年6月12日校務會議修訂通過
1997.6.12-Revised in the Academic Meeting
86年8月1日教育部核定
1997.8.1-Passed by the Ministry of Education
87年1月10日發佈
1998.1.10-Approved
92年1月9日校務會議修訂通過
2003.1.9-Revise and Approve in the Academic Meeting
92年6月19日校務會議修訂通過
2003.6.19-Revise and Approve in the Academic Meeting
92年8月11日教育部核定
2003.8.11-Passed by the Ministry of Education
92年8月18日海學生字第0920006319號發布
2003.8.18-Authorized by means of written notice, reference no. 0920006319 by National Taiwan ocean un
iversity Student Affairs.
95年4月20日校務會議修訂通過
2006.04.20-Revised and Approved in the Academic Meeting
95年6月15日校務會議修訂通過
2006.05.15-Revised and Approved in the Academic Meeting
95年8月28日教育部台訓(二)字0950124996號核定
2006.8.28-Authorized by means of written notice, Document reference no. (2) 0950124996 by the Ministry of
Education
95年6月13日海學生字第0950008696號令發布
2006.6.13-Authorized by means of written notice, reference no. 0950008696 in the Academic Meeting
96年1月4日校務會議修訂通過
2007.1.4-Revise and Approve in the Academic Meeting -
96年3月9日教育部台訓(二)字0960034144號核定
2007.3.9-Authorized by means of written notice, Document reference no. (2) 0960034144 by the Ministry of
Education
96年3月22日海學生字第0960003059號令發布
2007.3.22-Authorized by means of written notice, reference no. 0960003059 in the Academic meeting.
98年6月4日校務會議修訂通過
2009.6.4-Revised and Approved in the Academic Meeting
98年8月5日教育部台訓(一)字0980134042號核定
2009.8.5-Authorized by means of written notice, Document reference no. (1) 0980134042 by the Ministry of
Education
100年6月9日校務會議修正通過
2011.6.9-Revised and Approved in the Academic Meeting
101年1月5日校務會議修正通過
2012.1.5--Revised and Approved in the Academic Meeting
101年2月16日教育部臺訓(一)字第1010026375號函核定
2012.2.16-Authorized by means of written notice, reference no. Tai Xun (1) 1010026375 by the Ministry of
Education
101年2月29日海學生字第1010001768號令發布

- 2012.2.29-Authorized by means of written notice, reference no. Zi Di 1010001768 by the National Taiwan Ocean University student affairs
101年6月14日校務會議修正通過
2012.6.14-Revise and Approve in the Academic Meeting
101年7月2日教育部臺訓(一)字第1010119535號函核定
- 2012.7.2-Authorized by means of written notice, Document reference no. (1) 1010119535 by the Ministry of Education
101年7月17日海學生字第1010009144號令發布
- 2012.7.17-Authorized by means of written notice, reference no. 1010009144 by the National Taiwan Ocean University student affairs
103年12月11日校務會議修正通過
2014.12.11-Revise and Approve in the Academic Meeting
104年1月19日教育部臺教學(二)字第1040005214號函核定
- 2015.1.19-Authorized by means of written notice, Document reference no. (2) 1040005214 by the Ministry of Education
104年1月22日海學生字第1040001185號令發布
- 2015.1.22-Authorized by means of written notice, reference no. 1040001185 in the Academic Meeting

第一章 總則

Chapter 1 General Provision

第一條

本校依據大學法第三十三條第四項及本校組織規程第四十五條之規定設置國立臺灣海洋大學學生申訴評議委員會(以下簡稱學生申評會),並訂定本辦法。

Article 1

According to article 33 of the University act and the article 45 of National Taiwan Ocean University student affairs (hereinafter referred as the Committee) provides formulated organizational procedures.

第二條

學生申評會目的在建立申訴管道,以公正超然之立場處理學生、學生會及其他相關學生自治組織之申訴事項,保障學生學習、生活與受教權益,增進校園和諧。

Article 2

The purpose of the Committee is to establish a channel of communication to the Handling of Appeal in order to provide a fair treatment for students and student associations or other related self-governance organizations, and protect their rights to education, living, learning, and to enhance an atmosphere of harmony in campus.

第二章

組織與職掌

Chapter 2

Organization function and its duty.

第三條

學生申評會委員由下列人員組成:

一、教師委員:由各學院、共同教育中心及教師會各推選一人。

二、選聘委員:由校長選聘校內外具法律、教育及心理輔導專長者三人擔任之。

三、學生委員:由各學院、進修推廣組、學生會及學生議會各推選一人。擔任學生獎懲委員會之委員或負責學生獎懲決定、調查之人員,不得擔任申評會委員;未兼任行政職務之教師委員,不得少於委員總額之二分之一。

任一性別委員不得占委員總數三分之二以上。

申評會得視申訴案件性質,邀請有關專家、學生(議)會或其他相關學生自治組織代表列席諮詢。

Article 3

The Committee is comprised as follows :

1. Teachers Committee : Shall elect a representative from each Colleges, General Education Center and Teacher Association. Of N.T.O.U
2. Election Committee : By the president of the university a bill is passed that three members shall be appointed from the Educational and Counseling.
3. Student Committee : By each college, Department of Continuing Education and student council shall elect a representative.

All members should not serve in the Student Disciplinary Committee, and should not be the persons responsible for decision and investigation on discipline of students. Among which the Teachers Committee without administrative duties should be less than one second of total members.

And the gender member of each department should be more than one third of the total members.

Subject to nature of the case, invite experts and students (proposed) Student Representative Council or other relevant autonomous organizations to attend counseling.

第四條
Article 4

學生申評會委員均為無給職，任期乙年，連選得連任。
If the committee fails to hand in the results, a new member will be reelected.

第五條
Article 5

學生申評會設主任委員乙人，由委員互選之，連選得連任。
The chairman of the Committee shall be elected by the Committee members.

第六條
Article 6

學生申評會置執行秘書、助理秘書各乙人，處理有關行政事務，分別由生活輔導組組長及組員一人兼任之。
The committee shall appoint an executive secretary and assistant secretary in administrative matters from Director and member of Division of Life Guidance center.

第七條

學生申評會評議下列事項：
一、學生對於學校有關受教權益所為之懲處、其他措施或決議，認有違法或不當致損害其權益者。
二、學生會及其他相關學生自治組織，不服學校之懲處或其他措施及決議之事件。

Article 7

The following matters are revised by the committee:
1. If a student have a misconduct behavior or break the law of university they should accept consequence, others measures or decision related to Right to Education.
2. Incident of Student Association and other related self-governed organization if refuse to accept the consequence or other measures.

第八條

學生申評會採不定期召開，由主任委員召集之，並擔任主席。須有三分之二（含）以上委員出席始得開議。出席委員三分之二（含）以上同意方得決議。

Article 8

A meeting held irregularly by the committee shall be conducted with the attendance of at least 2/3 of all committee members. Decisions must be approved by at least 2/3 of all committee members in attendance.

第三章
Chapter 3
第九條

處理程序
Procedure Handling
學生、學生會及其他相關學生自治組織，得依本辦法之規定向學生申評

會提出申訴。

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。

Article 9

If student and its association and other self-governed organization shall take measures while applying for an appeal. Student who refuses to accept the consequence and other decision making given by the university shall refer to the preceding paragraph.

第十條

學生於收到學校對於個人生活、學習獎懲處分書或學生會或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之事件後，如有不服，應於收到次日起十五日內以書面提列具體事實並檢附相關資料提送學生申評會辦理，逾期不受理。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校申評會申請受理評議。但遲誤申訴期間已逾一年者，不得為之。申訴人於申訴評議書送達前，得撤回申訴案。學生、學生會及其他相關學生自治組織就同一案件向學校提起申訴，以一次為限。

Article 10

If student and its association or other relevant self-governed organizations who receives NTOU notification of reward and punishment on individual living and learning behavior and feel unconvinced an object to cases of punishment and other measures. The arbitrations can file its petition to the Committee in written notice within 15 days of receiving the notification from NTOU, submission of late notifications will not be accepted. Those who cannot file a petition on time due to natural disasters or other attributed incidents, a written petition shall be filed stating the reasons within 10 days after the incident. However, no request shall be made if the complaint deadline already passed for more than a year. Petition for the same case may only be filed once by student and its association, or other relevant self-governed organization.

第十一條

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。並將事實、理由及證據提報學生申評會，以決定案件之成立與否。

Article 11

In the case of an appeal it requires investigation or further understanding, the Committee may appoint 3 to 5 members to form an investigation group for the purpose of conducting investigation and further understanding.

第十二條

申評會之表決及委員意見，應予保密。委員對申訴案件有直接關係者，應自行迴避，或由學生申評會決議請該等有關委員迴避。

Article 12

The contents of an Appeals and Committee Meetings shall remain undisclosed. All decisions made by the committee and all remarks made by committee members shall remain strictly confidential.

第十三條

學生申評案件之評議，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。

Article 13

Review cases from students undisclosed for discussion, the complaints will further be informed and explained.

第十四條

申訴提起後，申訴人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，由學校轉知申評會。

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之評議決定，以訴願或訴訟之法律關係是否成立為據者，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。

退學、開除學籍或類此處分之申訴案件，不適用前二項規定。

Article 14

After the filing of an appeal, should the appellant choose to file pleas, administrative litigation, civil litigation or criminal litigation regarding the matter of appeal or other related matters, the Committee should immediately be notified in writing. The Committee should cancel all the arbitration proceedings upon knowledge of the above mentioned circumstance. Arbitration may proceed only after the reason for suspension has been removed. This article is not applicable to appeals concerning disciplinary rulings that result in withdrawals and expelled.

第十五條

學生申評會於收到申訴書之次日起，除有應不受理、申訴人撤回或中止評議情形外，應於三十日內完成評議，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。

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。

評議決定書經校長核定後送達申訴人及原處分單位。評議決定經核定後，學校應依評議決定執行。

Article 15

The Committee shall complete the arbitration within 30 days from the following day of receiving the petition unless it is not be accepted, the complainant to withdraw or suspend the case outside the Committee. It may be extended if necessary, and the complainant shall be notified. It may only be extended once, and the extension may not be over two months. For cases involving withdrawal, suspended, or similar punishment, it may not be extended.

If the Committee deems the written petition improper, but correctable, the complainant shall be informed to correct it within 7 days, and the correction period shall be deducted from the arbitration period.

Committee decided to serve the complainant and former president of sanctions approved by the principle. After the principle approved the decision, schools should be performed in accordance with council decisions

第十六條

學生申訴評議委員會審議期間得建議對申訴人原處分暫緩執行。

Article 16

Student appeals Committee during the review of complaints, the sanctions stay the same as the original complaints

第十七條

退學或開除學籍之申訴，學校於評議決定未確定前，學生得向學校提出繼續在校肄業之書面請求。學校接到上項請求後，應徵詢學生申評會之意見，並衡酌該生生活、學習狀況於一週內書面答覆並載明學籍相關之權利與義務。

依前項申訴經學校同意在校肄業者，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。

Article 17

With regard to complaint case about suspended, expelled or similar sanction, before the review decision is confirmed, NTOU may allow the student to continue its registration based on NTOU authority or in accordance with the student's written application. If NTOU receives a student application mention above, it shall seek opinions from the division processing the complaint case and shall assess the living and learning status

- of the student. A written response shall be provided within seven days, specifying the rights and obligations related to student registration.
- 第十八條 退學、開除學籍或類此處分之申訴，經評議確定維持處分者，其修業、學籍依下列規定辦理：
一、修業證明書所載修業截止日期以原處分日期為準。
二、申訴期間所修習科目學分，得發給學分證明書。
- Article 18 For student whose petition Withdrawal, expelled or other category as per complaints, the review is determined to maintain its sanctions schooling in NTOU governed by the following provisions:
1. The study termination date state certificate of study shall be on the original disciplinary date.
2. Credit certificate for the courses taken during the petition period should be issued.
- 第十九條 退學、開除學籍或類此處分之申訴，經評議確定維持原處分者，其兵役、退費標準依下列規定辦理：
一、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。
二、退費基準依專科以上學校向學生收取費用辦法第 8 條及專科以上學校學雜費收取辦法第 15 條規定辦理。
- Article 19 For student whose petition for military-service, the student academic status shall be handled according to the following provisions:
1. Draftee shall be submitted to file [The Dropout Students' List of Military Service Deferment Reasons Elimination] military service guidance within 30 days of confirming the arbitration decision.
2. The tuition refund shall be issued in accordance with the Article 8 of The Principle of Varsity Charge and the Article 15 of The Principle of Varsity Tuition and Fees Charge.
- 第二十條 申訴人就學校所為之行政處分，經向學校提出申訴後而不服其決定，得於收到申訴評議書之次日起三十日內，繕具訴願書，經學校檢卷答辯後送教育部提起訴願，訴願時並應檢附學校申訴評議決定書。申訴人就學校所為行政處分以外之懲處、其他措施或決議，經向學校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。
- Article 20 Complainant whose petitions to NTOU and objects its arbitration decision can file an appeal attached with the NTOU written arbitration decision to the Ministry of Education through NTOU. After receiving the aforesaid appeal, NTOU shall submit the defense statement as soon as possible with pertinent documents to the Ministry of Education. If complainant files an appeal for NTOU arbitration decision to the Ministry of Education without following NTOU procedure, the Ministry of Education shall transfer the case back to NTOU for handling in accordance with student petition procedure.
- 第二十一條 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，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。
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。

Article 21 Students who have received disciplinary rulings that result in withdrawals or expulsions of student status has been reinstated through appeal decisions or administrative litigation decisions, should receive reinstatement counseling in the event of special circumstances that prevent them from resuming their studies. For students who have been drafted into the military and are unable to return to NTOU for schooling. Its status should be kept as a student. After completion of military service above mentioned students should receive priority counseling for resuming their studies, and can also apply for application leave of absence for the entire duration of their absence.

第四章

附則

Chapter 4

Supplementary Article

第二十二條

評議決定書應包括主文、事實、理由等內容。對不受理之申訴案件亦應做成評議書，惟其內容得不記載事實。

前項申訴評議書，應記載不服申訴評議決定之救濟方法。

Article 22

A written arbitration decision shall contain circumstance, facts, and grounds. Review of the complaint is necessary, Arbitration decision shall also be written for overruled petition case, but only circumstance and grounds shall be stated.

第二十三條

評議原則應以學生權益為重，依據學生現行法規，秉持公平、正義原則審議。

Article 23

According to the regulation principle of justice, students should review equally on regulations and impartial considerations.

第二十四條

學生申評會做成評議書，送校長核定時，應副知原處分單位，原處分單位如認為有與法規抵觸或事實上窒礙難行者，應列舉具體事實及理由陳報校長，並副知學生申評會，校長如認為有理由者，應移請學生申評會再議，再議以一次為限。

Article 24

The written arbitration decision shall be sent upon approved by the President to the complainant, and the original disciplinary authority according to the Committee's organization and subordination. When submitting the written arbitration decision approved by the President, a copy shall be sent to the original disciplinary authority. If the arbitration decision is deemed difficult to proceed or is against the regulations, the original disciplinary authority shall provide actual facts and grounds to the President, and send a copy to the Committee. If the President agrees, the Committee shall be requested to arbitrate again, only once is allowed.

第二十五條

學生申訴制度應列入學生手冊，廣為宣導，使學生了解申訴制度之功能。學生因校園性侵害或性騷擾或性霸凌事件提起申訴，其屬性別平等教育法第二十八條第二項申請調查之性質者，依性別平等教育法相關規定處理。

Article 25

Students appeals systems should be included in student handbook, promotion of propaganda, so that students can understand its function of the appeal systems who appeals due to on-campus sexual assaults, sexual harassment or sexual bullying, and whose appeals the meet of investigation criteria as stipulated in Art.28.2 of the Gender Equity Education Act shall be processed according to regulations associated with the Gender Equity Education Act.

第二十六條

本辦法經校務會議通過，報請教育部核定後發布施行。

Article 26 The Guideline was passed during the academic meeting, and implemented upon by the Ministry of Education.