

明志科技大學
Ming Chi University of Technology

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學生申訴處理辦法
Student Grievance Regulation

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明志科技大學

Ming Chi University of Technology

學生申訴處理辦法

Student Grievance Regulation

83.07.11 校務會議制訂

Formulated by the University Affairs Council on July 11, 1994.

105.11.22 校務會議修訂

Revised by the University Affairs Council on November 22, 2016.

第一條 依據

本校為保障學生學習、生活與受教權益並促進校園和諧，依據大學法第三十三條第四項及本校組織規程第二十四條第三款，訂定「學生申訴處理辦法」（以下簡稱本辦法），並成立學生申訴評議委員會（以下簡稱申評會），處理學生申訴事宜。

Article 1 Basis

In order to ensure students' learning, living and educational rights as well as to promote campus harmony, Ming Chi University of Technology (hereinafter the University), based on Paragraph 4, Article 33 of University Law and Paragraph 3, Article 24 of Organizational Regulation of the University, has established the Student Grievance Regulation (hereinafter the Regulation) and has set up the Student Grievance Review Committee (hereinafter the Review Committee) for dealing with student grievance claims.

第二條 申評會組織

申評會置委員九至十五人，含學生輔導組組長、教師委員四至七人，由全體教師推選；學生委員四至七人，由全體學生推選，任一性別委員應占委員總數三分之一以上；必要時得另聘專業專家二人為諮詢顧問。委員任期一學年，均為無給職。

Article 2 The Review Committee Organization

The Review Committee consists of 9 to 15 committee members, including the Director of Student Counseling Section, 4 to 7 faculty members who are elected by the entire teachers, and 4 to 7 student members who are elected by the entire students. Any gender shall represent more than 1/3 of the Review Committee. If necessary, two professional experts shall be hired to act as consultants. All committee members shall hold their respective positions for one

academic year, without remuneration.

其職責在評議有關學生、學生會及其他相關學生自治組織對於學校之懲處、行政處分、措施或決議，認為違法或不當，致使學生權利或利益損害之申訴。

The Review Committee is responsible for reviewing grievances made by students, student councils or other student autonomous organizations about disciplinary actions, administrative sanctions, measures or decision conducted by the University that are considered to be illegal or improper and result in impairment of students' rights or benefits.

有關申評會委員之規定如下：

Regulations regarding the members of Review Committee are listed as below:

一、 教師委員由校長從各單位推選教師中遴聘之，其中應有具法律、教育或心理學等專業教師，未兼行政職務之教師不得少於總數之二分之一。

1. Faculty members should be appointed by the President of the University from the teachers elected by various units, including those with expertise in law, education or psychology. No more than half of the faculty members should hold administrative positions.

二、 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。

2. Members of the Student Merit and Penalty Committee, or those involved in student disciplinary actions or investigations should be refrained from appointment.

三、 學生委員包含學生會代表及各系學會推派一至二名學生組成。

3. Student members contain the representatives of student unions and 1 to 2 students appointed by the student associations of each department.

四、 委員出缺遞補時，其遴選程序亦同。

4. When filling vacancies of committee members in a proper order, the selection procedure is identical.

五、 遇特教生申訴案件，則增聘特殊教育學者專家、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。

5. In face of grievance cases filed by special education students, scholars and experts of special education, representatives of parent group of special education or other professionals of special education shall be additionally hired to serve as committee members.

六、 主席一人，由教師委員互選產生，負責主持會議。

6. The Chairperson shall be elected from mutual election conducted by faculty members. The Chairperson shall be liable for hosting meetings.

七、 申訴案件由學生輔導組負責相關行政作業。

7. The Student Counseling Section shall be responsible for administrative operations related to grievance cases.

第三條 申評會執掌

Article 3 Responsibilities of Review Committee

有關申評會掌理事項如下：

Relevant matters managed by the Review Committee are listed as below：

一、 學生個人懲處申訴之評議。

1. Review of students' personal grievance of penalties.

二、 影響學生受教權益之申訴調查與評議。

2. Investigation and review of grievances about influences on students' educational rights and interests.

三、 學生會及其他相關學生自治組織不服學校之懲處、行政處分、措施或決議事項之評議。

3. Review of the case that student councils or other student autonomous organizations not satisfied with disciplinary actions, administrative sanctions, measures or decisions conducted by the University.

第四條 申訴主體

學生、學生會及其他相關學生自治組織（以下簡稱申訴人）對於學校之懲處、行政處分、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**，向學校提起申訴。

前項所稱學生，指學校對其為懲處、行政處分、其他措施或決議時，具有學籍者。

Article 4 Complaint Subject

Students, student councils or other student autonomous organizations (hereinafter Complainants) may file a grievance claim in accordance with the Regulation for any perceived inappropriateness or violation of regulations or policies of university disciplinary actions, administrative sanctions, measures or decisions that infringes upon the rights and benefits of the Complainants.

Students stated in the preceding paragraph should be enrolled at the University at the time of the university disciplinary actions, administrative sanctions, measures or decisions under disputes.

第五條 申訴程序與原則

Article 5 Appellate Procedures and Principles

申訴處理程序與原則依下列規定辦理：

Handling procedures and principles of grievances shall be conducted according to the following regulations:

- 一、**申訴人**不服學校之懲處、行政處分、其他措施或決議事項者，於接獲學校通知後，應於次日起三十日內，**填寫申訴書（如附表一 A044010113）**，以書面提列具體事實並檢附相關資料，向學生輔導組提出申訴，同一案件以一次為原則。申訴人因不可抗力因素致逾期者，於原因消滅後十日，得以書面

敘明理由向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。

1. The Complainants who object to university disciplinary actions, administrative sanctions, measures or decisions shall fill in the Grievance Form (Attached Table One A044010113) and list specific facts in written, attached with relevant data to file grievances, to the Student Counseling Section within 30 days from the next day after receiving notifications from the University. One claim can be filed for an event under dispute. For the Complainants unable to complete due to force majeure, they may submit a claim within 10 days when the cause of deferment ceases to exist. Nevertheless, above mentioned regulations only apply for delays within one year. Appeals filed one year after the deadline shall not be considered.

二、 申評會於接獲申訴書次日起，應於三十日內召開會議並完成評議，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。

2. From the next day after receiving the application, the Review Committee shall review and resolve the claim within 30 days from the next day after receiving the application. When necessary, the deadline may be extended to a maximum of 2 months with notification to the Complainants. However, such extension is not applicable to claims involving expulsion, deprivation of student standings or similar orders.

Should the Review Committee identify the appeal application not in line with the regulations, the Complainants should be notified the appeal may be corrected and resubmitted within 7 days. The correction period should be excluded from the thirty-day review period.

三、 申評會會議應有三分之二以上委員出席，始得進行。委員缺席或因與案件有利害關係而迴避時，不得由他人代理，

且以出席委員三分之二以上之議決為通過。

3. There shall be over 2/3 committee members attending the meeting of the Review Committee, so that it could be conducted. When committee members are absent or recuse themselves from reviewing the claim to avoid conflicts of interests, others shall not represent them. Only resolutions made in the meeting with over 2/3 committee members being present can be regarded as effective.

四、 申訴人於申評會未作成申訴評議決定書前，得撤回申訴案。

4. The Complainants may withdraw the grievance case before the Review Committee completes the Notification of Review Resolution.

五、 申訴提起後，申訴人就申訴事件或其牽連之事項，提出訴願、行政訴訟者，應即以書面通知學校，由學校轉知申評會。申評會獲知上情後，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在此限。

5. The Complainants should notify the University of any appeals or administrative litigations regarding or relevant to the filed claim in written, and the University is then required to pass on the information to the Review Committee. After knowing the foregoing situations, the Review Committee shall stop the review process and notify the Complainants. The review process shall resume upon written requests by the Complainants after the causes of the interruption cease to exist. The review then shall be continued and the Complainants shall be informed in writing. If the resolution of the Review Committee is based fully or partially on the decisions of the appeal or litigation, the Review Committee should suspend the review process before the decision is reached and notify the Complainants in writing, and resume

the review process once the causes of the suspension cease to exist and notify the Complainants in writing.

This rule does not apply to claims involving expulsion, deprivation of student standings, or similar orders.

六、 申訴案件之評議以不公開為原則，但應通知申訴人、原處分單位之代表、原處分單位及關係人員到會說明或陳述意見。學校受理學生申訴時，應秉持客觀、公正、專業之原則，給予申訴人充分陳述意見及答辯之機會。

6. The review process of grievance cases shall be confidential. Nevertheless, the Complainants, representatives of the accused body, the accused body and any other related parties may be present at the meeting to explain or state opinions. When accepting and dealing with students' grievances, the University shall insist on objective, impartial and professional principles to offer opportunities to the Complainants to fully state their opinions and replies.

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

7. When necessary to investigate or understand grievance cases on the spot, an Investigation Team may be launched. The Investigation Team shall be composed of 3 to 5 selected committee members, after being decided by the Review Committee.

八、 申評會對申訴案件之處理結果應以書面做成申訴評議決定書（如附表二 A044010213），通知申訴人。申訴評議決定書應包括主文、事實、理由等內容，如有補救措施，應提出具體建議。不受理之申訴案件亦應做成申訴評議決定書，惟其內容只列主文和理由。

8. The results of grievance cases made by the Review Committee shall be concluded in the Notification of Review Resolution (Attached Table Two A044010213) and the Complainants shall be informed in writing. Notification of

Review Resolution shall contain the main body of review, the facts, the causes and other contents. Any remedial measure should be provided and specific suggestions shall be proposed. Dismissal cases shall also be made into Notification of Review Resolution, while the content only contains the main body and the causes.

第六條 保密規定

申評會之評議、表決及委員個別意見，應予保密。涉及申訴人隱私之申訴案件，申訴人之基本資料應予保密，並配合提供適切之輔導。

Article 6 Confidentiality Stipulations

The deliberations of Review Committee as well as the voting and the individual opinions of the committee members shall be kept secret. For grievance cases that are related to the privacy of the Complainants, the basic information of the Complainants shall be kept secret and consulting service shall be offered.

第七條 評議決定未確定前學生權益

申評會於申訴案件審議期間，得建議對申訴人原處分暫緩執行。

退學、開除學籍或類此處分之申訴，學校於評議決定未確定前，學校得依職權或依學生書面之申請，使學生繼續在學校肄業。

學校收到前項學生提出之申請，應徵詢申評會之意見，並衡酌該生生活、學習狀況，於七日內以書面回覆，並載明學籍相關之權利與義務。

Article 7 Students' Rights and Interests before Deliberation

During the review period of grievance cases, the Review Committee shall suggest the probation of execution of original punishments on the Complainants.

Before the determination of review decisions for grievances about expulsion, deprivation of student standings or similar orders, the University shall sustain the Complainant's enrollment by authority or written request of the Complainants before a resolution is reached by the Review Committee.

After reviewing applications from the foregoing students, the University shall consult with the Review Committee and consider the living and learning status of such students. A notification in written form should be delivered to the Complainants within 7 days of the request, stating clearly relevant rights and obligations related to enrollment.

第八條 在校肄業者規定

依前條規定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 8 Stipulations Concerning Those with Sustaining Enrollment Statuses

According to the preceding article, for those with sustaining enrollment statuses, the University shall handle courses, examinations, merits and penalties for them as internal students, except the grant of graduation certificates.

第九條 評議決定再議程序

評議決定書陳校長核定時，應副知原為懲處、行政處分、措施或決議單位。原上列單位認為有抵觸法令或事實上窒礙難行者，應於二十日內，以書面列舉具體事實及理由，陳報校長並副知申評會。校長如認為有理由者，得移請申評會再議，再議時以一次為限。

申評會完成申訴評議決定書，經校長核定後，送達申訴人。

申訴評議決定書經完成行政程序後，學校應即採行。

Article 9 Reconsideration Procedures of Review Decisions

When reporting the Notification of Review Resolution to the President for check and approval, the accused body shall also be notified with transcripts. If the accused body considered that decisions as illegal or would be obstructed in practical implementation, specific facts and causes should be listed to report to the President and inform the Review Committee in written forms within 20 days. If the President consented, the Review Committee shall review the claim again, but limited to once.

After the Review Committee finishes the Notification of Review Resolution and it is approved by the President, the document shall be sent to the Complainants.

After finishing administrative procedures, the Notification of Review Resolution shall be instantly executed by the University.

第十條 修業、學籍、兵役、學費辦理規定

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，其修業、學籍、兵役、學費標準依下列規定辦理：

Article 10 Regulations for Dealing with Learning, Student Status, Military Service and Tuition

In the case that decisions involving expulsion, deprivation of student standings or similar orders, are not overturned after the appeal, the Complainants' learning, student status, military services and standards of tuition fees shall be conducted according to the following regulations:

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 stated in the proof of enrollment shall be the date of the original penalty.

二、 申訴期間所修習科目學分，得發給學分證明書。

2. The University must issue Credit Certificate(s) for courses taken during the appeal period.

三、 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。

3. Male students eligible for conscription in the “delayed service due to further education registry” will be reported after 30 days of the resolution.

四、 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。

4. Criteria of returned premiums shall be conducted according to Article 8 of the Regulations on Collecting Charges for Higher Education Students and Article 15 of the Regulations on Tuition and Fees for Higher Education Students.

第十一條 訴願程序

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，得於收到申訴評議決定書之次日起三十日內，繕具訴願書，檢附學校申訴評議決定書，向教育部提起訴願。

學校收到前項訴願書，應儘速附具答辯書，並將必要之關係文件，送交教育部。

申訴人就學校所為之行政處分，未經學校申訴途徑，逕向教育部提出訴願者，教育部依規定，須將該訴願案移由學校依照學生申訴程序處理。

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 11 Administrative Appeals Process

The Complainants who are not satisfied with the appeal decision made by the Review Committee may file an appeal to the Ministry of Education in writing, attaching the Notification of Review Resolution, through the University within 30 days from the next day after receiving the Notification of Review Resolution.

The University shall process the appeal expeditiously upon receipt, attaching a defense report with necessary relevant documents to the Ministry of Education.

For the Complainants who file petitions about administrative sanctions made by the University directly to the Ministry of Education, without going through complaint procedures in the University, the Ministry of Education shall, according to regulations, transfer such petition cases to the University for handling in accordance with students' grievance procedures.

The Complainant who is not satisfied with the penalties, measures or decisions, apart from administrative sanctions by the University, may file suits to the court by the nature of the issue and plead remedies.

第十二條 訴願及行政訴訟效力

依訴願決定或行政訴訟判決另為處分並同意學生復學者，學校

應依規定完成撤銷退學程序。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 12 Effectiveness of Administrative Appeals and Administrative Litigation

According to decisions of petitions or judgments of administrative litigation, for those who accept additional punishments and are agreed to return to the University, the University shall abolish the procedures of withdrawal according to regulations. For the Complainants unable to re-enroll immediately due to extraordinary circumstances, the University shall assist the Complainants in re-enrolling. For those conscripted, the University shall retain their student status and render priority for re-enrollment after military discharge. During the period the Complainants are absent from school before return, the suspension of schooling shall be issued.

第十三條 學生申訴性質

學生申訴制度屬學生權益受損之救濟性質，不同於意見反應。
為使學生了解申訴制度之功能，應將本辦法公告周知。

Article 13 Property of Student Complaint

Student grievance system has a relief nature for students' impairment of rights and interests. It is different from the feedback of opinions. In order to make students understand functions of the appeal system, the Regulation shall be announced.

第十四條 性侵害、性騷擾或性霸凌事件申訴案件之處理

學生因校園性侵害、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 14 Handling of Claims Regarding Sexual Assault, Harassment or Bullying

Student appeals involving sexual assault, sexual harassment or sexual bullying should be investigated in accordance with Paragraph 2, Article 28 of Education Act of Gender Equality and dealt with according to the Education Act of Gender Equality and relevant regulations.

第十五條 實施與修訂

本辦法經校務會議通過，陳校長核示，報請教育部核定後實施，修訂時亦同。

Article 15 Implementation and Revision

The Regulation shall be executed after being approved by the University Affairs Council, reported to the President for check and ratified by the Ministry of Education. The same procedures shall be made for the revision.

附表一

明志科技大學學生申訴書

班級		姓名		學號		申請日期		接案人	
住址								聯絡電話	
敘明案情及具體事實									
申訴理由									
期望的結果									
原業務單位意見									
申評會處理意見									
權責單位主管意見									
校長核備									

表號：A044010113 規格：A4

Appendix: Table 1

Student Grievance Form, Ming Chi University of Technology

Class	Name	Student ID	Application Date	Handling Personnel
Corresponding Address			Corresponding Phone No.	
Clearly state case situations and specific facts				
Complaint causes				
Expected results				
Opinions from the original unit				
Handling suggestions of the Review Committee				
Opinions of Managers of competent authorities				
Approved by the President				

Table No:A044010113

附表二

明志科技大學學生申訴評議決定書

接件日期：					案件編號：學輔申字第 號				
班級		姓名		學號		申請日期		接案人	
住址								聯絡電話	
主文	申訴事實陳述								
	申訴理由								
	期望結果								
申評會評議決定	評議結果								
	評議理由								
敬陳 校長					敬會（原處分單位）				

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

（學生存查聯）

茲收到

君申訴評議決定書乙份，此證

發 文 日 期	年 月 日	申訴人： (簽章)
發 文 文 號	()學輔申字第 號	

表號：A044010213

Appendix: Table 2

Student Notification of Review Resolution for Ming Chi University of Technology

Date of Case Acceptation			Grievance No.	
Class	Name	Student No.	Application Date	Handling Personnel
Corresponding Address			Corresponding Phone No	
Main Body	Grievance Facts			
	Complaint Causes			
	Expected Results			
Decisions of Review Committee	Review Results			
	Review Reasons			
President			The Accused Body	

Excursus: The Complainants who are not satisfied with the appeal decision made by the Review Committee may file an appeal to the Ministry of Education in writing, attaching the Notification of Review Resolution, through the University within 30 days of receiving the Notification of Review Resolution. The Complainant who is not satisfied with the penalties, measures or decisions, apart from administrative sanctions by the University, may file suits to the court by the nature of the issue and plead remedies.

 (Copy for Complainant)

Hereby to certify the reception of one copy of the Notification of Review Resolution

Date of dispatch	Month/Day/Year	Complainants: (signature and seal)
Reference No. of document	() Grievance No.	

Table No: A044010213