

國立清華大學學生申訴辦法

NTHU Regulations for Student Grievance

85 年 6 月 4 日校務會議通過

Approved by the University Council Meeting on June 4, 1996

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The English translation is provided for reference only; in case of discrepancy, the Chinese text shall prevail.

第一章 總則

Chapter 1: General Provisions

第一條 國立清華大學(以下簡稱本校)為保障學生學習、生活及受教權益，增進校園和諧，依據大學法第三十三條第四項及本校組織規程第二十五條相關規定，設學生申訴評議委員會(以下簡稱本會)，並訂定本辦法，其目的在於建立本校學生申訴制度，確保學生之權益。

Article 1

To protect students' rights in learning, living, and education, and to foster campus harmony, National Tsing Hua University (hereinafter referred to as "the University") establishes the Student Grievance Committee (hereinafter referred to as "the Committee") and formulates this NTHU Regulations for Student Grievance (hereinafter referred to as "the Regulations") in accordance with Article 33, Paragraph 4 of the University Act and Article 25 of the National Tsing Hua University Bylaws. The purpose of the Regulations is to establish a student grievance system that safeguards students' rights and interests.

第二條 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、其他措施或決議，認為違法或不當，致損害其權利或利益者，得依本辦法之規定，向本會提出申訴。

特殊教育學生或其監護人、法定代理人於學生學習、輔導、支持服務或其他

學習權益受損時，應另依「特殊教育學生及幼兒申訴服務辦法」向本會提起申訴。

前兩項所稱學生，定義如下：

- 一、指學校對其為懲處、其他措施或決議時，具有學籍者。
- 二、依性別平等教育法第三十九條第一項第三款對申復結果不服提起申訴者。
- 三、依校園霸凌防制準則第四十六條第三項及第四十八條對終局實體處理不服提起申訴者。
- 四、其他依學則及學校相關規定者。

Article 2

Students, the Student Association, and other related student self-governing organizations (hereinafter referred to as "the Grievant") who believe that any disciplinary action, other measure, or decision made by the University is unlawful or inappropriate and has thereby infringed upon their rights or interests, may file a grievance with the Committee in accordance with the Regulations.

When special education students, or their guardians or legal representatives believe that the student's rights to education (including learning, guidance, support services, or other related entitlements) have been infringed, they shall file a grievance with the Committee in accordance with the Grievance Procedures for Students with Special Needs and Young Children.

"Students" in the preceding paragraphs is defined as follows:

1. Individuals who hold student status at the time the University imposes a disciplinary action, other measure, or decision.
2. Individuals who petition for relief against the disposition of the reconsideration pursuant to Article 39, Paragraph 1, Subparagraph 3 of the Gender Equity Education Act.
3. Individuals who petition for relief against the final substantive handling pursuant to Article 46, Paragraph 3 and Article 48 of the Guidelines for Prevention of Campus Bullying.
4. Other individuals as specified in the University's Academic Regulations and related provisions.

第二章 組織

Chapter 2: Organization

第三條 本會置委員十三至十七人。其中學生委員任期一年，由學生自治組織推薦男女學生各二人擔任；研究所及大學部學生應至少各有一人。教師委員任期二年，由各學院及清華學院於該單位委員任期屆滿時，分別推薦男女教師各一人，報請校長就中遴聘之；各學院及清華學院應各有一人。另由以上委員推選法律、教育、

心理學者專家擔任委員，共同組成之。委員中未兼任行政職務之教師不得少於總額之二分之一；任一性別委員應占委員總數三分之一以上；其中具有境外學生輔導經驗者至少一人。擔任學生獎懲委員會之成員或負責學生獎懲決定、調查之人員不得擔任本委員會之委員。如遇特殊教育學生申訴案件，增聘至少二人與特殊教育需求情況相關之校外特殊教育學者專家、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。

本會委員互選一人為主席，任期一年。

本會之行政工作由秘書處支援。

Article 3

The Committee consists of 13 to 17 members. Student Members shall serve a one-year term and shall be recommended by student self-governing organizations. Two male and two female students shall be recommended, with at least one graduate student and one undergraduate student included. Teacher Members shall serve a two-year term. Upon expiration of a term, the respective college and Tsing Hua College shall each nominate one male and one female teacher. The President shall appoint teacher members from among the nominees. Each college and Tsing Hua College shall have one representative on the Committee. The aforementioned members shall additionally elect experts in the fields of law, education, and psychology to serve as members, thereby forming the Committee. Among the members, teachers who do not currently hold administrative positions shall constitute no less than one-half of the total membership. Members of any single gender shall account for at least one-third of the total membership. Furthermore, at least one member shall possess experience in counseling international students. Individuals who serve on the Student Awards and Disciplinary Committee, or who are responsible for decisions and investigations regarding student rewards and punishments, shall not serve as members of the Committee. In cases involving grievances filed by special education students, the Committee shall appoint at least two additional members related to special education needs, who shall be external special education scholars or experts, representatives of special education parent organizations, or other professionals related to special education.

The Chairperson of the Committee shall be elected by and from among the members, and shall serve a one-year term.

The administrative affairs of the Committee shall be supported by the Office of the Secretary.

第三章 申訴提起

Chapter 3 Filing a Grievance

第 四 條 申訴人就同一案件向學校提起申訴，以一次為限。

Article 4

The Grievant may file a grievance with the University regarding the same matter only once.

第 五 條 學生、學生會及其他相關學生自治組織對於學校之懲處、其他措施或決議不服者，應於收到或接受相關懲處、措施或決議之次日起三十日內，以書面向本會提出申訴。

申訴人因不可抗力，致逾期限者，於其原因消滅後十日內，得以書面敘明理由向本會申請受理評議。但遲誤申訴期間已逾一年者，不得為之。

Article 5

Students, the Student Association, and other related student self-governing organizations who are dissatisfied with the University's disciplinary actions, other measures, or decisions shall submit a written grievance to the Committee within 30 days from the day following the date of receipt of the said action, measure or decision.

If the Grievant fails to submit a grievance within the prescribed period due to force majeure, they may apply in writing to the Committee for acceptance of the grievance within 10 days after the cause ceases to exist, stating the reasons for the delay. However, if more than one year has passed since the expiration of the original deadline, the grievance shall not be accepted.

第 六 條 申訴書應記載申訴人姓名、學號、系所及住址、申訴之事實及理由、希望獲得之補救(申訴書格式如附表)，並應檢附有關資料。

Article 6

The grievance letter shall specify the Grievant's name, student ID number, department and address, as well as the facts and reasons for the grievance and the remedy sought. The format of the grievance letter as attached. Relevant supporting documents shall also be enclosed.

第 四 章 申訴評議

Chapter 4 Grievance Deliberation

第 七 條 本會應於收到申訴書之次日起，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。

本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。

Article 7

The Committee shall complete its deliberation within 30 days from the day following the

date of receipt of the grievance letter. If necessary, the period may be extended once only, for no more than two months, and the Grievant shall be notified of the extension. However, grievance cases involving expulsion, dismissal from enrollment, or similar sanctions shall not be subject to extension.

If the Committee finds that the grievance letter does not comply with the Regulations but is correctable, it shall notify the Grievant to make the necessary corrections within seven days. The time taken for corrections shall be excluded from the overall deliberation period.

第 八 條 本會之會議以不公開為原則。但開會時得通知申訴人、關係人及原為懲處、措施或決議之單位代表到會列席說明或以其他方式陳述意見。申訴案有調查或實地瞭解之必要時，得經本會決議，成立「調查小組」為之。調查小組以三人至五人為原則。

Article 8

The Committee's meetings shall be held in private. However, the Committee may notify the Grievant, related parties, and representatives from the unit which imposed the disciplinary actions, measures, or decisions to attend the meeting to provide explanations or to express their opinions through other means. If a grievance case requires investigation or on-site inspection, the Committee may, by resolution, establish an investigation task force, which shall, in principle, consist of three to five members.

第 九 條 本會委員對於申訴案件有利害關係者應自行迴避，不得參與評議。
有具體事實足認本會委員就申訴案件有偏頗之虞者，申訴人得向本會申請委員迴避，並應列舉其原因事實，由本會決議之，被申請迴避之委員得提出意見書，不得參與決議。

本會委員有第一項應自行迴避未迴避，且未經申訴人申請迴避者，應由本會依職權命其迴避。

Article 9

Committee members with a conflict of interest in a grievance case shall voluntarily recuse themselves and shall not participate in the deliberation.

If there are specific facts sufficient to indicate a likelihood of bias on the part of a Committee member in a grievance case, the Grievant may request the recusal of the member by stating the facts and reasons in writing. The Committee shall review and decide on the request. The member whose recusal is being requested may submit a written statement but shall not participate in the decision-making process.

If a Committee member as referred to in Paragraph 1 fails to voluntarily recuse themselves, and no recusal request is made by the Grievant, the Committee shall, on its own authority, order the member to recuse.

第十條 申訴提起後，於申訴評議決定書送達前，申訴人得請求撤回申訴。而本會於評議期間得建議原為懲處、措施或決議之單位對申訴人之懲處、措施或決議暫緩執行。

Article 10

Once a grievance is filed, the Grievant may request to withdraw it before delivery of the grievance decision document. During the deliberation period, the Committee may recommend that the unit which imposed the disciplinary actions, measures, or decisions temporarily suspend its enforcement.

第十一條 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，本會於訴願或訴訟程序終結前，得停止評議，並以書面通知申訴人；於停止原因消滅後，經申訴人、原措施學校通知，或本會知悉時，應繼續評議，並以書面通知申訴人。

退學、開除學籍、足以改變其學生身分及損害其受教育機會類此處分之申訴案件，不適用前項規定。

Article 11

If the Committee's deliberation decision on a grievance case, in whole or in part, is premised upon the existence or non-existence of certain legal relations to be determined in an administrative appeal or lawsuit, the Committee may suspend its deliberation until the conclusion of such administrative appeal or lawsuit and shall notify the Grievant of the suspension in writing. Once the cause of suspension ceases to exist, the Committee shall resume deliberation upon notification from the Grievant, the school that imposed the original measure, or upon its own awareness that the cause of suspension has ceased to exist, and shall notify the Grievant in writing.

The provisions of the preceding paragraph shall not apply to grievance cases involving disciplinary actions such as expulsion, dismissal from enrollment or other sanctions which may alter a student's status and impair their educational opportunities.

第十二條 本會委員應親自出席會議，經委員二分之一以上出席始得開議；評議決定應經出席委員三分之二以上之同意行之；其他事項之決議以出席委員過半數之同意行之。

Article 12

Committee members shall attend meetings in person. Meetings require a quorum of at least one-half of all Committee members. Deliberation decisions require approval by at least two-thirds of the attending members, while resolutions on other matters require the approval of more than one-half of the attending members.

第十三條 就退學、開除學籍或類此處分之申訴案件，於評議決定確定前，學校應依學則或相關規定辦理學生得繼續在學校肄業。

Article 13

In grievance cases involving expulsion, dismissal from enrollment, or similar sanctions, the University shall, prior to the finalization of the deliberation decision, allow the student to submit a written application to continue enrollment in accordance with the University's Academic Regulations or other applicable regulations.

第十四條 依前點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。

Article 14

The course enrollment, grading, and disciplinary actions of students who continue their studies in accordance with the previous Article shall be handled in accordance with the regulations applicable to enrolled students, except for the issuance of a graduation certificate.

第五章 評議決定

Chapter 5 Deliberation Decision

第十五條 申訴評議決定書應記載事件之主文、事實、理由等內容，對於不受理之申訴案件亦應做成評議決定書，其內容得不記載事實；評議決定書應送達申訴人及原為懲處、措施或決議之單位。

前項評議決定書並應依第十八條第一項或第十九條規定，記載不服申訴評議決定之救濟方式。

Article 15

The grievance decision document shall include the main text, facts, and reasons. For grievances that are not accepted for review, a grievance decision document shall still be issued, which may omit the factual section. The grievance decision document shall be delivered to the Grievant and the unit which imposed the disciplinary actions, measures, or decisions.

The grievance decision document referred to in the preceding Paragraph shall also specify, in accordance with Article 18, Paragraph 1 or Article 19, the remedies available for contesting the grievance deliberation decision.

第十六條 本會做成評議決定書，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或窒礙難行者，應於三十日內，以書面敘明具體事實及理由，陳報校長，並副知本會；校長認為有理由者，得移請本會再議，並以一次為限，評議決定經核定後，學校應依評議決定執行。

Article 16

When a grievance decision is rendered by the Committee and reported to the President for approval, the unit which imposed the disciplinary actions, measures, or decisions

shall be notified. If this unit considers the decision is to be in violation of laws or impracticable, it shall, within 30 days, submit a written report to the President stating the specific facts and reasons, with a copy forwarded to the Committee. If the President deems the report justified, the case may be returned to the Committee for reconsideration. Such reconsideration may only be granted once. Once the grievance decision has been approved, the University shall execute the decision accordingly.

第十七條 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：

- 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。
- 三、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。
- 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。

Article 17

Grievance cases involving expulsion, dismissal from enrollment, or similar sanctions which are upheld after deliberation, shall be handled in accordance with the following provisions:

1. The end date of study indicated on the certificate of study shall be the date on which the original disciplinary action was imposed.
2. A certification of credits may be issued for courses completed during the grievance period.
3. Male students shall be listed in the “Register of Students Whose Grounds for Postponement of Military Service Have Been Removed” within 30 days from the date on which the grievance decision becomes final.
4. Refunds shall be processed in accordance with Article 8 of the Regulations Governing the Collection of Fees from Students by Junior Colleges and Institutions of Higher Education and Article 15 of the Regulations Governing the Collection of Tuition and Miscellaneous Fees by Junior Colleges and Institutions of Higher Education.

第十八條 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，經學校向教育部提起訴願。

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，未經學校申訴程序救濟，逕向教育部提起訴願者，依教育部規定該申訴案移由學校依學生申訴程序處理。

Article 18

If the Grievant is dissatisfied with the Committee's grievance decision regarding an administrative sanction imposed by the University, they may submit a written pleading for

administrative appeal to the University for transfer to the Ministry of Education within 30 days from the day following the date of receipt of the grievance decision document.

Upon receiving the administrative appeal pleading, the University shall promptly prepare a written response and submit it, along with the necessary supporting documents, to the Ministry of Education.

If the Grievant directly files an administrative appeal with the Ministry of Education regarding an administrative sanction imposed by the University without first exhausting the University's grievance procedure, the case shall, in accordance with the Ministry of Education's regulations, be referred back to the University for processing under the student grievance procedure.

第十九條 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 19

If the Grievant is dissatisfied with the Committee's grievance decision regarding the disciplinary actions, other measures, or decisions imposed by the University that do not constitute administrative sanctions, they may seek judicial relief by filing a lawsuit in accordance with applicable laws .

第二十條 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，應輔導其復學；對已入營無法復學之役男，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 20

If the University's original expulsion, dismissal from enrollment, or similar sanctions is revoked by a grievance decision, an administrative appeal ruling, or a judgement in administrative litigation, and the student is unable to resume studies in a timely manner due to exceptional circumstances, the University shall provide assistance to facilitate re-enrollment. For draftees who are unable to return to study due to military service, their student status shall be retained, and the University shall assist them in resuming their studies with priority after discharge. The period of absence prior to re-enrollment may be retroactively processed as a suspension of study.

第二十一條 申訴事件之所有相關資料，由秘書處編訂卷宗以供結案後存檔。檔案內容除校長及本會主席外，不得查閱。校長及本會主席若為當事人亦不得查閱。

Article 21

All documents related to the grievance case shall be compiled into a dossier by the Office of the Secretary and archived after the case is closed. Access to the dossier shall be limited to the President of the University and the Chairperson of the Committee,

except where either is a party to the case, in which event they shall not be permitted to access it.

第二十二條 本會委員對本會之評議、表決及委員個別意見，應予保密。

Article 22

Members of the Committee shall maintain confidentiality regarding all deliberations, voting, and individual opinions expressed within the Committee.

第六章 附則

Chapter 6: Supplementary Provisions

第二十三條 學生因校園性別事件、校園霸凌事件提起申訴，依性別平等教育法、校園霸凌防制準則相關規定辦理。

第二條第二項「特殊教育學生及幼兒申訴服務辦法」未規定事項，依本辦法相關規定處理。

Article 23

Grievances arising from campus gender-related incidents or campus bullying shall be handled in accordance with the relevant provisions of the Gender Equality Education Act and the Guidelines for Prevention of Campus Bullying.

Matters not covered under the Grievance Procedures for Students with Special Needs and Young Children, as referred in Article 2, Paragraph 2, shall be governed by the relevant provisions of the Regulations.

第二十四條 本辦法由本會擬訂經校務會議通過，報請教育部核定後實施。

Article 24

The Regulations are drafted by the Committee, approved by the University Council, and submitted to the Ministry of Education for approval before implementation.