**學生申訴處理辦法**

第1條 景文科技大學(以下簡稱本校)為保障學生學習、生活與受教育權益，增進校園 和諧，依據大學法及本校組織規程規定，訂定「景文科技大學學生申訴處理辦 法」(以下簡稱本辦法)。

第2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、 其他措施或決議事項，認為有違法或不當，致損害其權利或利益者，得依本辦 法之規定，向學生申訴評議委員會提出申訴。 前項所稱學生，係指學校對其為懲處、其他措施或決議時，具有學籍者。

第3條 為處理學生申訴案件，應成立學生申訴評議委員會（以下簡稱申評會），申評 會設委員至多31人，委員任期1年，但在次屆委員未依規定產生前，如有召集 會議之必要，仍由原委員繼續執行職務至次屆委員產生時止。

第4條 申評會委員組成如下：

一、由各系、所、通識教育中心及體育室各推薦教師1人，進修部及進修學 院推薦1人，其中未兼行政教師者不得少於總額之二分之一；學生代表 3人，由日間部、進修部及進修學院各推選1人；任一性別委員應占委 員總數三分之一以上。

二、申評會中需有法律、教育(或心理輔導)代表各1人，由校長遴聘擔任。

三、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。 全體委員互選主席1人，兼會議召集人。另得就申訴案件之性質，臨時增聘有 關委員1至3人。

第5條 申評會下設程序審議小組5人，由全體委員互選產生，負責申訴案件程序之審 核，審核結果應提報申評會全體委員會議，另置秘書一人，由學務長指派， 負責學生申訴書之收件及相關行政作業之事宜。

第6條 申訴人對於學校之懲處、其他措施或決議事項如有不服，應於收到或接受相 關懲處、措施或決議之次日起10日內以書面向申評會提出申訴。申訴人因天 經 教 育 部 核 定 版 本 災或其他不應歸責於己之事由，致逾期限者，得向申評會聲明理由，請求許 可。但遲誤申訴期間已逾1年者，不得為之。

第7條 申評會收到申訴案件申請書後轉程序審議小組，10日內決定是否受理，不受 理者應做成評議決定書提送申評會決議完成行政程序後駁回。學生申訴同一 案件以一次為限。

第8條 申評會於收到申訴案件申請書之次日起，應於30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2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7日內補 正。其補正期間自評議期間內扣除。

第9條 申訴案如有調查或實地瞭解之必要時，得經申評會決議，推派委員3至5人成 立「調查小組」為之。

第10條 申訴人應以書面提列具體事實並檢附相關資料。申訴人於申評會未作成評議 決定書前，得撤回申訴案。

第11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、行政訴訟、民事訴訟或刑事訴訟者，應即以書面通知申評會。申評會獲知上情後，應即中止評議，俟中止評議原因消滅後繼續評議。惟退學與開除學籍之申訴不在此 限。

第12條 申評會會議之召開以不公開為原則，但得通知申訴人、原處分單位之代表及 關係人到會說明。

第13條 申評會之表決需有二分之一以上委員出席，但不得代理，且以出席委員三分 之二以上之議決為通過，申評會之評議、表決及委員個別意見應予保密。對 申訴人應提供適切輔導。

第14條 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，學生得向學 校提出在校肄業之書面請求，學校接到上項請求後，應徵詢申評會之意見， 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。

第15條 依前條（第14條）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。

第16條 評議決定書：

一、應包括主文、事實、理由等內容，不受理之申訴案件亦應做成評議決定 書，惟其內容只列主文和理由。

二、應按申評會設置之組織與隸屬，經校長核定後送達申訴人及原處分單 位。

第17條 學校就申訴人之申訴所做成之評議決定書，應依第21條第1款或第22條規定， 附記「如不服本申訴決定，得於申訴評議書送達次日起30日內，向教育部提 起訴願」或依法提起訴訟。

第18條 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 28條第2項申請調查之性質者，依性別平等教育法相關規定處理。

第19條 申評會所做成之評議書，陳校長核定時，應副知原處分單位，原處分單位如 認為有與法規牴觸或事實上窒礙難行者，應列舉具體事實及理由陳報校長， 並副知申評會。校長如認為有理由者，得移請申評會再議，並以一次為限。 評議決定書經完成行政程序後，學校應依評議決定執行。

第20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，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30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及專科以上學校學雜費收 取辦法之規定辦理。

第21條 訴願：

一、申訴人就學校所為行政處分，經向學校提出申訴後未獲救濟者，得於評 議決定書送達後次日起30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。

二、有關申訴人就學校所為行政處分，未經學校申訴途徑逕向教育步提出訴 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。

第22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。

第23條 訴願及行政訴訟獲救濟輔導： 一、依訴願決定或行政訴訟判決另為處分並同意學生復學者，其因特殊事故 無法及時復學時，應輔導其復學；對於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。 二、依訴願決定或行政訴訟判決另為處分並同意學生復學者，應依各校規定 完成撤銷退學程序。

第24條 附則：

一、學生申訴制度屬於學生權益救濟性質，應以學生個人權益受損為前提， 不同於意見反映，故學生申訴制度應列入學生手冊，並廣為宣導，並使 學生了解申訴制度之功能。

二、學校為暢通學生意見，應就學生之陳情、建議、檢舉及其他方式所表示 之意見，另訂定規範處理。

第25條 本辦法經校務會議通過，報請教育部核定後公布實施。

**Student Complaint Regulation**

Article 1 Jinwen University of Science and Technology (hereinafter referred to as the University) for protecting students' learning, living and education benefits, promoting harmonious campus, based on the University Organizational Charter to draw up "Jinwen University of Science and Technology Student Complaint Regulation " (hereinafter referred to as the Regulation).

Article 2 If any student, student body or other relevant student self-governing organization (hereinafter referred to as the Complainant) believes that any disciplinary sanctions, other measures or resolutions are illegal or inappropriate, causing damage to its right, interest, or a complaint may be filed with the University in accordance with regulations related to student complaint of the university.

Student referred to in the previous paragraph means a student registered in the university when the disciplinary sanctions, other measures or resolutions are imposed.

Article 3 In order to deal with student’s complaints, a Student Appeals Review Committee (hereinafter referred to as the Committee) should be established in the university. The committee consists of a maximum of 31 members. The term of service limited one year.

Article 4 The committee is composed as follows:

1. The members of committee are composed of the faculty representative from various departments, the General Education Center, the Office of Physical Education, and the College of Extension Education. In addition, three student representatives from Day school, Night school, and weekend school. Each gender of member should account for more than one-third of the total number of members.
2. The committee should include one member with law professional background and one with education professional background.
3. As a member of the committee is not able to serve as a member of the Student Reward and Disciplinary Committee at the same time.

Article 5 The committee should establish a subgroup of Procedure Review Team with five members for reviewing the appeals procedures.

Article 6 If the Complainant disagree to any disciplinary sanction, other measure or resolution of the university, a complaint should be filed to the Student Appeals Review Committee in writing within 30 days from the day following the date on which the relevant disciplinary sanction, measure or resolution is received.

Article 7 When the committee receives the complaint application form which should be transfer to the Procedure Review Team within 10 days. If the case is denied, an appraisal report should be sent to the committee. The same case should be proposed once only.

Article 8 The Appraisal report should be completed within 30 days from the day following the date on which the complaint form is received. The period may be extended as necessary and the Complainant must be informed.

If the committee determines that the complaint application form is not consistent with the regulations, and if remedy is possible, the committee should notify the complainant to make remedy within seven days.

Article 9 An investigation team should be organized with three to five members, if the case is needed to investigate on the spot.

Article 10 The complainant should provide relevant information in paper form. The Complainant may withdraw the case before the committee reaches a written resolution.

Article 11 If the Complainant files any petition or lawsuit with regard to the matter of complaint or related matter, the university should be notified in paper form and the university need to forward the information to the committee immediately.

If the committee learns about the situation under the previous paragraph due to the notice or based on its authority, the committee should stop the review and inform the complainant.

Article 12 the review meetings should be held in private.

The complainant, the representative of division, and related persons may be invited to give statements or opinions in person during the review meeting.

Article 13 The review meeting needs for more than half of the members to attend, and more than two-thirds of the members to vote. If necessary, the committee should provide appropriate counseling for the complainant.

Article 14 With regard to complaint case about suspension, expulsion or similar sanction, before the review decision is confirmed, the university may allow the student to continue registration with the university based on the university’s authority or in accordance with the student’s written application.

Article 15 Any student who remains registered with the university in accordance with the previous Article should not receive a certificate of graduation from the university. Other rules such as taking classes, scoring, rewarding, and disciplinary decision should be the same as normal students registered with the university.

Article 16 Report for appeal decision:

1. It should include the main text, facts, and reasons, etc. Denied case also need to have a written decision report with the main text and reasons.
2. The report should be approved by the president and send to the complainant and the original punishment unit.

Article 17 Based on the appeal decision report, the should be in accordance with Article 21, paragraph 1 or Article 22, with a note "of the complainant disagrees with the decision, was to review the complaint was served the next day, within 30 days, to education Ministry filed an administrative appeal "or proceedings according to law.

Article 18 After the review decision is approved, the School shall execute in accordance with the review decision.

Article 19 The review decision should be delivered to the Complainant following the president’s approval based on the organization and affiliation of the Complaint Review Committee.

After the president approves the review decision, the committee informs the division that imposed the original sanction, measure or resolution. If the division that imposed the original sanction, measure or resolution believes that the decision is in violation of law or cannot be implemented, it shall submit the substantial facts and reasons in writing to the president within the deadline provided under complaint related rules of the School and inform the Complaint Review Committee. If the president thinks that the objection sustains, it may move the case back to the Complaint Review Committee for second review. The case may be moved back to the Complaint Review Committee no more than once.

Article 20 After the review decision is approved, the university should execute in accordance with the review decision.

For complaint cases regarding suspension, expulsion or similar sanction, if the review decision maintains the original sanction, the following rules should be carried out:

1. The termination date of study on the certificate should be issued on the date of the original sanction.
2. Certificate of credit hours may be issued for credits received from subjects taken during the complaint reviewing period.
3. In relation to the “List of Departing Students Previously Suspended from Military Draft” for male students with military duties, reporting should be made within 30 days from confirmation of the review decision.
4. Fee reimbursement standards shall be in accordance with Article 8 of the Rules for Fees Charged by Professional Colleges or Above from Students and Article 15 of the Rules for Tuition and Miscellaneous Fees Charged by Professional Colleges or Above from Students.

Article 21 Appeal:

1. If the Complainant files a complaint to the university regarding an administrative sanction imposed by the university and objects to the decision, a petition may be filed with the university within 30 days from the day following the date on which the complaint review decision is delivered, attaching the complaint review decision of the university, for the petition to be further forwarded by the university to the Ministry of Education.
2. In relation to the complainant on university’s administrative action, without university education appeal radial step approach proposed appeal by the Ministry of Education in accordance with the provisions of the appeal case to be moved by the university according to student complaint procedures.

Article 22 If the Complainant files a complaint to the university with regard to any sanction other than administrative sanction, other measure or resolution by the university and objects to the decision, a lawsuit may be filed in accordance with law based on the nature of the matter to seek remedy.

Article 23 Appeal and administrative litigation is eligible for relief counseling:

1. If the decision of the petition or ruling of the administrative lawsuit is to cancel the university’s original suspension, expulsion or similar sanction, if the student cannot return to school due to special reasons, the university should assist the student return to university. For any student who is already joined military service and cannot return to university, the university should keep the student’s academic record. When the student returns from military service, the university should provide assistance for the student back to school in priority. The period of absence from the school before returning to school may be treated as suspension.
2. Appeal the decision or administrative proceedings according to the decision to dispose of and other scholars agree that the student complex should be completed in accordance with the provisions of the revocation school drop-out procedures.

Article 24 Supplementary provisions:

1. Student Appeals System relief properties belonging to the rights and interests of students. It should be based on the premise of damage to the rights and interests of individual students. The student appeal system should be listed in the student handbook and widely promote it in order to make students understand the functions of the system.
2. In order to allow students to speak out their views and opinions, the university should set up other rules or regulations to allow students to present their petitions, suggestions, comments, and other prosecution in public.

Article 25 The regulation should be approved by the University Affairs Meeting and then submitted to the Ministry of Education for approval and announcement.



