

STUDENT APPEAL HANDLING REGULATIONS OF JINWEN UNIVERSITY OF SCIENCE AND TECHNOLOGY

(學004)

- Formulated and passed at the 1st School Administration Meeting of the 1st Semester of the 89th Academic Year on April 10, 2001 (ROC Year 90).
- Revised and passed at the 2nd School Administration Meeting of the 2nd Semester of the 94th Academic Year on June 13, 2006 (ROC Year 95).
- Approved by the Ministry of Education on August 16, 2006 (ROC Year 95) via Official Document No. Tai-Xun-Er-0950120410.
- Revised and passed at the 1st School Administration Meeting of the 2nd Semester of the 95th Academic Year on March 27, 2007 (ROC Year 96).
- Revised and passed at the 2nd School Administration Meeting of the 1st Semester of the 97th Academic Year on December 16, 2008 (ROC Year 97).
- Revised and passed at the 2nd School Administration Meeting of the 2nd Semester of the 98th Academic Year on December 15, 2009 (ROC Year 98).
- Approved by the Ministry of Education on January 4, 2010 (ROC Year 99) via Official Document No. Tai-Xun-(Yi)-0980225554.
- Revised and passed at the 1st School Administration Meeting of the 1st Semester of the 100th Academic Year on October 25, 2011 (ROC Year 100).
- Revised and passed at the 2nd School Administration Meeting of the 2nd Semester of the 100th Academic Year on December 13, 2011 (ROC Year 100).
- Approved by the Ministry of Education on December 28, 2011 (ROC Year 100) via Official Document No. Tai-Xun-(Yi)-1000234244.
- Approved by the Ministry of Education on January 16, 2012 (ROC Year 101) via Official Document No. Tai-Xun-(Yi)-1010006869.
- Revised and passed at the 2nd School Administration Meeting of the 2nd Semester of the 105th Academic Year on December 6, 2016 (ROC Year 105).
- Approved by the Ministry of Education on December 27, 2016 (ROC Year 105) via Official Document No. Tai-Jiao-Xue-(Er)-1050176444.
- Revised and passed at the 1st School Administration Meeting of the 1st Semester of the 108th Academic Year on October 15, 2019 (ROC Year 108).
- Revised and passed at the 1st School Administration Meeting of the 1st Semester of the 109th Academic Year on October 13, 2020 (ROC Year 109).

Article 1 Jinwen University of Science and Technology (hereinafter referred to as the University), in order to protect students' rights to study, campus life, and education, and to promote campus harmony, hereby formulates the "Student Appeal Handling Regulations of Jinwen University of Science and Technology" (hereinafter referred to as these Regulations) in accordance with the University Act and the University's Organization Regulations.

Article 2 Students, student unions, and other related student autonomous organizations (hereinafter referred to as Appellants) who consider any disciplinary action, other measure, or resolution taken by the University to be illegal or improper, resulting in damage to their rights or interests, may file an appeal with the Student Appeal Review Committee in accordance with these Regulations.

The term "students" referred to in the preceding paragraph refers to those who possess student status at the time the University takes the disciplinary action, other measure, or resolution.

Article 3 To handle student appeal cases, a Student Appeal Review Committee (hereinafter referred to as the Review Committee) shall be established. The Review Committee shall consist of up to 31 members, with a term of office of 1 year. However, if it is necessary to convene a meeting before the next term of members is formed in accordance with regulations, the original members shall continue to perform their duties until the new members are formed.

The composition of the Review Committee members is as follows:

1. One faculty member recommended by each department and graduate institute, among whom non-administrative faculty members shall not be less than one-half of the total; 2 student representatives, with 1 selected from the daytime division and 1 from the continuing education division respectively; members of either gender shall account for at least one-third of the total number of members.
2. One representative each from the legal and educational (or psychological counseling) fields, appointed by the President.
3. Persons who serve as members of the Student Rewards and Punishments Committee or personnel responsible for deciding or investigating student rewards and punishments shall not serve as members of the Review Committee.

All members shall elect one Chairperson from among themselves, who shall also serve as the meeting convener. In addition, depending on the nature of the appeal case, 1 to 3 relevant members may be temporarily appointed.

In the event of an appeal by a special education student, at least 2 additional members who are special education scholars and experts, representatives of special education parent groups, or other special education professionals related to special education needs shall be appointed; their term of office shall not be restricted by the provisions of the preceding article, and the convening of meetings, presentation of opinions, voting, review decisions, and confidentiality shall be handled in accordance with relevant regulations of the Special Education Student Appeal Service Regulations.

Article 4 Under the Review Committee, a Procedural Review Subcommittee consisting of 5 members shall be established, elected by all members from among themselves, responsible for reviewing the procedures of appeal cases. The review results shall be submitted to the plenary meeting of the Review Committee. In addition, 1 secretary shall be designated by the Dean of Student Affairs to handle the reception of student appeal applications and related administrative operations.

Article 5 If an appellant is dissatisfied with a disciplinary action, other measure, or resolution of the University, they shall submit a written appeal to the Review Committee within 10 days from the day following the receipt or notification of the relevant disciplinary action, measure, or resolution. If an appellant exceeds the deadline due to a natural disaster or other causes not attributable to themselves, they may submit a written statement of reasons to the University's Review Committee

within 10 days after the cause ceases to exist, applying for review. However, if the delay in filing the appeal exceeds 1 year, no application shall be accepted.

Article 6 Upon receiving the appeal application, the Review Committee shall forward it to the Procedural Review Subcommittee, which shall decide whether to accept the case within 10 days. Appeal cases that are not accepted shall also be made into a review document, the content of which may omit the facts. A student may file an appeal for the same case only once.

Article 7 The Review Committee shall complete the review within 30 days from the day following the receipt of the appeal application. When necessary, it may be extended, and the appellant shall be notified. The extension shall be limited to once and shall not exceed 2 months at most. However, appeal cases involving dismissal, expulsion, or similar penalties shall not be extended.

Article 8 If the Review Committee considers that the appeal application does not comply with regulations but can be corrected, it shall notify the appellant to make corrections within 7 days. The correction period shall be deducted from the review period.

Article 9 If an appeal case requires investigation or on-site understanding, an "Investigation Subcommittee" of 3 to 5 members may be established by resolution of the Review Committee.

Article 10 The appellant shall list specific facts in writing and attach relevant materials. After the appeal is initiated and before the appeal review decision is served, the appellant may withdraw the appeal.

Article 11 After the appeal is initiated, if the appellant files a petition, administrative litigation, civil litigation, or criminal litigation regarding the appeal event or related matters, they shall immediately notify the Review Committee in writing. Upon learning of the above, the Review Committee shall immediately suspend the review and continue the review after the cause for suspension ceases to exist. However, appeals regarding dismissal, expulsion, or similar penalties are not subject to this restriction.

Article 12 Meetings of the Review Committee shall be held in principle without public access, but the appellant, representatives of the original decision-making unit, and relevant persons may be notified to attend the meeting to give explanations.

Article 13 Voting in the Review Committee requires the attendance of at least one-half of the members, and proxy voting is not permitted. Resolutions shall be passed by the consent of at least two-thirds of the attending members. The review, voting, and individual opinions of members in the Review Committee shall be kept confidential. Appropriate psychological counseling and support shall be provided to the appellant.

Article 14 For appeals regarding dismissal or similar penalties, before the review decision is finalized, the student may submit a written request to the University to continue studying at school. Upon receiving the above request, the University shall consult the opinion of the Review Committee, consider the student's living and studying conditions, and reply in writing within one week, stating the rights and obligations related to student status.

Article 15 If a student is approved by the University to continue studying at school in accordance with the preceding article (Article 14), except that the University shall not issue a graduation certificate, other course enrollments, grade evaluations, and rewards and punishments may be handled similarly to enrolled students.

Article 16 Review Decision Document:

1. Shall include the main text, facts, reasons, etc. Appeal cases that are not accepted shall also be made into a review decision document, but the content shall only list the main text and reasons.
2. In accordance with Item 1 of Article 22 or the provisions of Article 23, state the administrative relief methods against the unsatisfied appeal review decision.
3. Shall be submitted to the President for approval based on the organization and subordination of the Review Committee, and then served to the appellant and the original decision-making unit.

Article 17 If a student files an appeal due to campus sexual assault, sexual harassment, or sexual bullying events, which falls under the nature of applying for investigation pursuant to Paragraph 2, Article 28 of the Gender Equity Education Act, it shall be handled in accordance with the relevant regulations of the Gender Equity Education Act.

Article 18 The review document prepared by the Review Committee, when submitted to the President for approval, shall have a copy sent to the original decision-making unit. If the original decision-making unit considers that there is a conflict with regulations or practical difficulties in implementation, it shall list specific facts and reasons to report to the President, and send a copy to the Review Committee. If the President considers there are justified reasons, they may refer the case back to the Review Committee for re-deliberation, limited to once. After the review decision document completes administrative procedures, the University shall execute it accordingly.

Article 19 For appeals regarding dismissal or similar penalties where the review decision is finalized to uphold the original disposition, the study and student status shall be handled in accordance with the following provisions:

1. The study deadline recorded on the study certificate shall be based on the date of the original disposition.
2. Credits for courses studied during the appeal period may be issued a credit certificate.

Article 20 For appeals regarding dismissal, expulsion, or similar penalties where the review decision is finalized to uphold the original disposition, military service and tuition standards shall be handled in accordance with the following provisions:

1. The name list of "reasons for the cessation of draft postponement for school-leaving students" for male citizens of conscription age shall be reported within 30 days after the appeal result is finalized.
2. Tuition refund standards shall be handled in accordance with the Regulations on Fees Charged to Students by Junior Colleges and Above and the Regulations on Tuition and Miscellaneous Fees Charged by Junior Colleges and Above.

Article 21 Administrative Appeals (訴願):

1. If an appellant is not granted relief after filing an appeal with the University regarding an administrative disposition made by the University, they may, within 30 days from the day following the service of the review decision document, prepare an appeal petition and submit it to the Ministry of Education for administrative appeal through the University's defense submission process. The University's appeal review decision document must be attached when filing the administrative appeal.
2. If an appellant files an administrative appeal directly with the Ministry of Education regarding an administrative disposition made by the University without going through the University's appeal channel, the Ministry of Education shall, in accordance with regulations, transfer the administrative appeal case to the University to be handled in accordance with student appeal procedures.

Article 22 If an appellant is dissatisfied with a disciplinary action, other measure, or resolution other than an administrative disposition made by the University after filing an appeal with the University, they may initiate litigation in accordance with the law based on its nature to request relief.

Article 23 Relief and Support for Appeals, Administrative Appeals, and Litigation:

1. If a new disposition is made based on a review decision, administrative appeal decision, or administrative litigation judgment agreeing to reinstate the student, but the student cannot return to school in time due to special accidents, they shall be assisted to return to school; for male citizens of conscription age who have entered military camp and cannot return to school, the University shall preserve their student status and assist them in taking priority for reinstatement after discharge; the period of leaving school before reinstatement may be used to retroactively apply for leave of absence.
2. If a new disposition is made based on a review decision, administrative appeal decision, or administrative litigation judgment agreeing to reinstate the student, the procedure for revoking dismissal shall be completed in accordance with the school's regulations.

Article 24 Supplementary Provisions:

1. The student appeal system belongs to the nature of student rights relief, premised on the damage to individual student rights, which is different from opinion feedback. Therefore, the student appeal system should be included in the student handbook, widely publicized, and enable students to understand the function of the appeal system.
2. To smooth student opinions, the University shall formulate separate regulations to handle opinions expressed by students through petitions, suggestions, reports, and other methods.

Article 25 These Regulations shall be implemented after being passed by the School Administration Meeting and reported to the Ministry of Education for approval.

Article 26 These Regulations shall take effect upon being passed by the School Administration Meeting and submitted to the Ministry of Education for approval and promulgation.