

National Yang Ming Chiao Tung University Student Appeals and Review Committee Organization and Review Guidelines

Passed by the 1st university assembly of National Chiao Tung University in the academic year of 2020 and the 56th university assembly of National Yangming University on October 14, 2020.

Amended and passed by the 3rd extraordinary university assembly of National Chiao Tung University in the academic year of 2020 and the 2nd extraordinary university assembly of National Yangming University in the 1st semester of the academic year of 2020 on January 13, 2021.

Approved by Ministry of Education by the Tai Jiao Xue (Er) Zi No. 1100007842 letter on January 20, 2021, for future reference.

Passed by the 1st extraordinary university assembly of National Yang Ming Chiao Tung University in the 2nd semester of the academic year of 2020 on February 3, 2021.

Article 1 To ensure students' rights to learn, live, and receive an education and to promote campus harmony, on the basis of relevant regulations such as Article 33, Paragraph 4 of the University Act and Article 27 of the University's Provisional Organization Regulations, National Yang Ming Chiao Tung University (hereinafter referred to as NYCU) established the student appeal system and Student Appeal and Review Committee (hereinafter referred to as the "Committee"). The Committee reviews the appeals of students, student associations, and other relevant self-governed student organizations who contest NYCU's disciplinary actions, measures, or other resolutions.

Article 2 When a student, the student association, and other relevant student self-governing organizations (hereinafter referred to as the "appellant") contend that NYCU's punishments, other disciplinary measures, or resolutions are illegal or inappropriate and infringe their rights or interests, they may appeal to the Committee in accordance with these Guidelines. The term "student" in the previous paragraph refers to those registered as students at NYCU when NYCU imposes punishment, disciplinary actions, or resolutions on them.

When the rights of special education students in terms of their learning, counseling, support services, or other learning rights are infringed, their guardians or legal representatives may appeal on the basis of "Guidelines for Special Education Student Appeal Service." Matters not regulated under "Guidelines for Special Education Student Appeal Service" shall be processed according to these Guidelines and relevant regulations of NYCU.

The nature of the student appeal system is a remedy for student rights and should be conditional upon the damage to the student's interest. Student appeal differs from students

expressing their opinions.

Article 3 Appellants may appeal to the Committee once for each case.

Article 4 This Committee shall be comprised of 19 members. At least one-third of the members of the Committee shall be persons of one particular gender.

1. Faculty representatives: The president selects and appoints 11 faculty members from the faculty representatives recommended by each college, the General Education Committee, and General Education Center. Faculty who do not concurrently serve in administrative positions may be no less than half of the total number of members. The faculty representatives shall consist of at least four representatives from each gender.

2. Student representatives: The Students' Association elects five people, including one of who represents the department or institute representative of the appellant. The student representatives shall consist of at least two representatives from each gender.

3. Scholar and expert representatives: The president appoints three scholars and experts of law, education, or psychology. Scholar and expert representatives shall consist of at least one representative from each gender.

When an appeal involves special education students, at least two special education scholars and experts, special education parent group representatives, or other special education professionals shall be appointed as additional members. Their term of service is not limited by Article 6 Paragraph 1.

Members of the Student Reward and Disciplinary Committee or personnel responsible for determining or investigating students' reward or disciplinary actions may not be appointed as committee members.

Article 5 The president or their designated representative shall preside over the first meeting of each term of the Committee, during which the committee chairperson shall be elected. The elected chairperson shall be responsible for convening and chairing subsequent meetings.

The committee chairperson shall be elected among committee members. The committee chairperson shall serve a two-year term and may be reappointed if re-elected.

When the chairperson is unable to convene the meeting, they shall designate a committee member as the substitute chairperson. If the chairperson is unable to designate this role, the members shall elect a substitute chairperson from among themselves.

Article 6 Committee members serve a two-year term with the exception of student representatives, who serve a one-year term. Committee members may be re-elected and reappointed. During the term, if a vacancy arises or member is transferred to another post, the president may appoint a replacement.

Based on the characteristics of the appeal case, the Committee may recommend suitable people to the president to be appointed as temporary committee members. The term of service of the temporary committee members ends at the end of each case.

Temporary committee members have the right to vote. The number of temporary committee members may not exceed two people for each case.

Article 7 Committee meetings can only commence with the attendance by at least one-half of the committee members. To pass a decision for review, at least two-thirds of the committee members who participated in the vote must vote in agreement. To determine other matters, at least half of the members who participated in the vote must vote in agreement.

When members of the Committee cannot attend the meeting, except for student representatives, other members may not invite substitutes to attend the meeting. Student representatives unable to attend the meeting may designate a proxy from their representing group to attend the meeting and participate in the vote.

Article 8 When a case is being reviewed, members who are stakeholders in the case shall recuse themselves from taking part in the review. The appellant may also submit an application requesting that members who have direct interests in the review case to be recused.

The result of the aforementioned application shall be determined by the Committee.

Article 9 Students, student associations, and other relevant self-governing student organizations who contend with NYCU's disciplinary actions, measures, or other resolutions may appeal to the Committee in writing within 30 days beginning the day after receiving the relevant disciplinary action, measure, or resolution.

If the appellant's application is delayed as a result of natural disasters or force majeure, the appellant may submit a written application to the Committee communicating the reason for the delay within 10 days after the unforeseen event has ended. However, if the delay has exceeded 1 year, the Committee will not accept the appeal.

Article 10 To submit an appeal, the appellant should submit the appeal form (as attached), which must be signed or stamped. The appeal form should specify the following items:

1. The name, department, student ID number, mailing address, phone number, and email address of the appellant.
2. If the student has a proxy or representative, the representative's information including their name, date of birth, national ID number (or proof of identity document and relevant ID number), occupation, residence or business address, phone number, and email address shall be provided.
3. The unit that administered the original disciplinary action, measure, or resolution (hereinafter referred to as "the original disciplinary unit").
4. The date the measure was announced or appellant learned about the measure and concrete facts and reasons for appeal. Documents of the original measure and additional relevant documents should be attached to the appeal form.
5. The expected remedy.
6. The date the appeal was submitted.
7. Statements of whether this appeal involved a petition or lawsuit.

Article 11 When the appeal case involves one of the following situations, the Committee shall not entertain the case and attach reasons as to why the case was not entertained.

1. The appeal form does not meet the legal requirements, and the format cannot be rectified. After the appellant was instructed to rectify the document, they did not do so within the given timeframe.
2. The appeal was submitted outside the timeframe stated in Article 9.
3. The appellant was not qualified.
4. The original disciplinary measure no longer exists, or the appeal can yield no substantial benefit.
5. The appellant resubmitted an appeal based on a case that has been determined or dismissed on the basis of the same reasons and facts.
6. Items according to law do not belong within the scope of student appeal and legal remedy.

Article 12 After submitting the appeal, if the appellant has proposed a petition or lawsuit based on the appeal event or other related matters, the appellant must immediately inform NYCU in writing. NYCU will subsequently inform the Committee.

When the Committee is informed according to the procedure in the previous paragraph or becomes aware of the petition or lawsuit in the course of its service, the review will be suspended and the appellant informed. If the reasons for cessation are rescinded, upon the appellant's written demand, the review shall be resumed and the Committee shall inform the appellant in writing. If some or all of the appeal's review decisions are based on the validity of the legal relationship of the petition or lawsuit, the Committee should halt the review prior to the end of the petition or lawsuit and inform the appellant in writing. If the reasons for cessation are rescinded, the Committee shall resume the review and inform the appellant in writing.

Appeal cases regarding disciplinary actions, such as withdrawal from school or expulsion, are not applicable to the regulations detailed in the previous two paragraphs.

Article 13 When the Committee receives the appeal form and attached documents, it shall inform the original disciplinary unit, other party or counterpart in the appeal, and relevant people in writing and request them to provide relevant information.

The review of appeal cases shall not be made public.

When reviewing the appeal case, the Committee may inform the appellant as well as the representative or relevant personnel of the original disciplinary unit to attend the committee meeting in person to explain or state their views.

Article 14 The Committee should complete the review within 30 days beginning the day after receiving the appeal form. When necessary, this timeframe may be extended, and the Committee shall inform the appellant accordingly. An extension may only be granted once and cannot exceed 2 months. However, appeals involving withdrawal from school,

expulsion, or similar disciplinary actions may not be extended.

When the Committee deems an appeal form to not comply with the regulations but views the situation as rectifiable, the appellant shall be notified and provided an opportunity to rectify the form within 7 days. The rectification period is not counted toward the review period. If rectification is not completed within 7 days, the Committee may continue their review.

Regarding the review period in Paragraph 1, if the appellant follows the regulation in Paragraph 2 and rectifies their appeal form, the review period will begin the day following rectification. If rectification is not completed, the review period will begin the day after rectification period ends. For cases that are halted under regulations in Article 12, the review period will begin the day of the review is resumed. During the review period, if the appellant submits new documents or reasons, the review period will begin the day after document or reason submission.

Article 15 After an appeal is proposed and before the review report is delivered, the appellant may withdraw the appeal in writing.

Article 16 The contents of the review report should include the main body, facts, and reasons. Cases that were not entertained also warrant a review report, the content of which may omit the facts.

The review report mentioned in the previous paragraph must note that “when an appellant receives an administrative punishment from NYCU, files an appeal, and contends with the resolution, the appellant may file a petition to the Ministry of Education through NYCU with a written petition that includes NYCU’s resolution within 30 days of receipt of the notification. If the appellant administered a disciplinary action, measure, or resolution from NYCU outside the scope of administrative disciplinary actions has filed an appeal and contends with the resolution, the appellant may file a lawsuit to seek remedy.”

Article 17 Regarding appeal cases in the case of withdrawal from school, expulsion, or similar procedures, before the review results are announced, NYCU may utilize its power or grant the student’s written request and allow the student to continue to be enrolled.

When NYCU receives the application detailed in the previous paragraph from students, they should seek the opinion of the Committee, assess the student’s life and study circumstances, and provide a written response within 7 days, listing the student’s rights and obligations regarding their enrollment.

Students who are enrolled according to the regulations in the previous two paragraphs will not receive a graduation certificate from NYCU. In regards to their course attendance and grade review, the appellant is subject to the same reward and disciplinary actions as regular students until the decision was announced.

Article 18 When an appellant administered an administrative punishment from NYCU files an

appeal and contends with the resolution within 30 days of receipt of the notification, the appellant may appeal to the Ministry of Education through NYCUC with a written petition attached with the NYCUC's resolution.

When NYCUC receives the petition described in the previous paragraph, it should rapidly prepare a defensive report and submit it to the Ministry of Education together with essential, relevant documents.

Regarding NYCUC's administrative punishment, if the appellant does not seek remedy using the school's appeal procedures but files a petition directly to the Ministry of Education, the Ministry of Education shall transfer the case to NYCUC. NYCUC will then review the case in accordance with its student appeals procedure.

Article 19 If the appellant administered a disciplinary action, measure, or resolution from NYCUC outside the scope of administrative disciplinary actions has filed an appeal and contends with the resolution, the appellant may file a lawsuit to seek remedy.

Article 20 The Committee may establish an investigation team to handle appeal cases through committee resolution. The investigation team should consist of three to five people.

The resolutions and votes of the Committee and committee members' individual opinions are strictly confidential. Regarding appeals involving students' privacy, the students' basic information should remain confidential.

Article 21 After the review report is signed by the chairperson of the Committee and approved by the president, the report shall be delivered to the appellant and the original disciplinary unit.

When the review report is submitted to the president, the Committee should notify the original disciplinary unit. If the original disciplinary unit determines that the report is contradictory to the law or difficult to execute, within 5 days, it should state concrete facts and reasons in support of this determination in writing, submit this document to the president, and send a copy to the Committee. If the president determines the reasons to be valid, the president may request that the Committee reconsider the resolution. This process can only be implemented once.

Article 22 Following the approval of the review report, NYCUC should execute the review report directives.

Regarding appeal cases related to withdrawal from school or expulsion, if the review result maintains the original punishment, the following regulations must be executed.

1. The end date of the certificate of study shall be the date of the original punishment.
2. A certificate of credits listing the study credits earned during the appeal period may be provided to the appellant.
3. A draftee shall be listed as an outgoing student who is no longer entitled to

deferred conscription within 30 days of the appeal resolution.

4. A tuition refund shall be processed in accordance with Articles 8 and 15 of the College Regulations Governing Collection of Tuition Fees.

Article 23 If a review, petition, or administrative lawsuit counters NYCU's original decision in relation to withdrawal from school or expulsion, and the appellant has outstanding reasons they cannot return to school immediately, NYCU should provide counselling service for the appellant to assist him/her to resume study. For an enlisted draftee who cannot return to school, NYCU should retain their student status. Once they are discharged, the student shall have the priority to receive counseling services before resuming their study. The period of absence before returning to school shall be granted with retroactive suspension.

Article 24 These Guidelines are related to remedy in response to the infringement of students' rights. Thus, they should be included in the student handbook and widely disseminated to promote student understanding of the function of the appeals system.

When students submit appeals related to cases of campus sexual offense, harassment, or bullying and when the nature of the appeal requires investigation, as defined in the second paragraph of Article 28 of the Gender Equality Education Act, the appeal should be processed according to the Gender Equality Education Act.

Article 25 These Guidelines and amendments shall be approved by the university assembly and reviewed by the Ministry of Education before implementation. Any amendments shall be made accordingly.

Article 26 Regarding appeal cases that are in the middle of review prior to the implementation of these Guidelines, the subsequent appeal procedures will follow these Guidelines.

National Yang Ming Chiao Tung University Student Appeals and Review Committee Appeal Form (Draft)

Appellant (Basic information)

Name		Student ID		Department	
Phone number		Email address			
Contact address					
Name of proxy or representative	(Not applicable if you do not have a proxy or representative)	Occupation			
Date of birth		National ID			
Phone number		Email address			
Address of residency (or business)					
The unit that administered the disciplinary action, punishment, or resolution					
The date of administration (or you becoming aware of) of the disciplinary measure or resolution					

I. Concrete facts and reasons for the appeal:

II. Your desired remedy:

III. The documents and evidence attached (Please list and bind them):

IV. If the incident involves gender equality, have you submitted an appeal?
(This section is not applicable if your incident does not involve gender equality)

No; Yes

V. Have you filed a petition or lawsuit regarding this appeal? (Please specify)

No; Yes

Appellant

(signature or stamp)

Proxy or representative

(signature or
stamp)

(This section is not applicable to those who do not have a proxy or
representative)

YYYYMMDD