

# **National Pingtung University Regulations Governing the Establishment of the Student Appeal Review Committee and Student Appeals**

Passed May 17, 1997, in an NPTC university affairs meeting.

Approved by the MOE Jun 6, 1997; ref no. (1) 86060190.

Name amended Sep 8, 2005, in the 2nd NPUE administrative meeting.

Amended Jun 22, 2006 in an unscheduled NPUE university affairs meeting held in the 2nd semester of the 2005-06 academic year.

Amended Oct 26, 2006, in an NPUE university affairs meeting held in the 1st semester of the 2006-07 academic year.

Approved Dec 1, 2006 by the MOE; ref no. (2) 0950177435.

Amended Mar 20, 2008, in the 1st NPTU university affairs meeting held in the 2nd semester of the 2007-08 academic year.

Approved May 2, 2008 by the MOE; ref no. (2) 0970068937.

Amended Nov 3, 2011, in the 1st NPTU university affairs meeting held in the 1st semester of the 2011-12 academic year.

Approved Jan 4, 2012 by the MOE; ref no. (1) 1000239617.

Name amended Oct 23, 2014, in the 2nd NPTU administrative meeting.

Amended May 22, 2017, in an NPTU university affairs meeting held in the 2nd semester of the 2016-17 academic year.

Approved Jun 30, 2017, by the MOE; ref no. (2) 1060089654.

**Article 1** To protect students' rights with regard to study, everyday life, and the right to receive an education, and to ensure that matters related to student learning and lifestyle while at university are handled in a fair and legitimate manner, NPTU has established a student appeal system, set up the Student Appeal Review Committee (hereinafter referred to as the 'Appeal Review Committee'), and instituted these regulations in accordance with Article 33 of the University Act, the Ministry of Education's Principles for Handling University and Junior College Student Appeal Cases, Article 21 of the Special Education Act, and Article 31 of the Regulations for Special Education Student Appeal Services and NPTU Organization.

**Article 2** The Appeal Review Committee should be composed of 15 members as follows:

1. Five student representatives, including:

a) Four undergraduate representatives, appointed by an autonomous student group.

- b) One graduate student representative, selected by the University president from a pool of recommended students (each graduate institute recommends one student).
- 2. Nine faculty representatives:
  - a) Faculty representatives must not constitute less than half of all Committee members.
  - b) Such representatives must consist of faculty who are highly-competent in law, education, and psychology, and who do not simultaneously hold an administrative post and have not served as full-time faculty representatives on the Student Affairs Committee.
  - c) Faculty representatives shall be selected by the University president from a pool of recommended faculty (each academic college recommends three faculty members); and gender representation must not fall below one-third for either gender in the Committee.
- 3. One University external representative shall be selected by the University president from a pool of scholars and experts who were recommended by the Office of Student Affairs and who are highly-competent in law, education, and psychology.
- 4. If the appeal case is brought by a student with special education needs, several special education scholars and experts should be hired to serve as members on the Review Committee for the case in question.
- 5. Gender representation for both genders must constitute at least one-third of all members on the Appeal Review Committee. Members are appointed by the NPTU president, and do not receive reimbursement for the position. If selected to serve again, members may serve consecutive terms.

Members of the Student Rewards and Penalties Committee, or personnel responsible for deciding on student rewards or penalties, or investigating such cases, are not permitted to serve on the Appeal Review Committee. If a member of the Appeal Review Committee is the person filing an appeal, or is a representative of the administrative unit that issued the original punishment, or related to the case in some other way, such members should temporarily refrain from carrying out their duties on the Appeal Review Committee until the case has been concluded.

Article 3 The dean of student affairs shall serve as the convener of the Appeal Review Committee, and the Committee chair shall be nominated by members when convening. If selected to serve again, such members may serve a second consecutive term.

Article 4 Scope of appeal: students, the Student Association, and other related

autonomous student groups (hereinafter referred to as ‘the Appellant’) may file an appeal with the Appeal Review Committee in accordance with these regulations if they believe the punishments issued, measures adopted or resolutions made by NPTU have violated the law or were handled inappropriately, resulting in damage to their rights or interests.

The term ‘students,’ used in the previous paragraph, refers to individuals with student status or student intern status at the time when NPTU issued the punishment, adopted the measure, or made the resolution.

Article 5 The procedures for handling appeals are as follows:

1. If NPTU students, the Student Association, or other related autonomous student organizations are dissatisfied with the penalties, measures, or resolutions reached by the University, they should submit a written appeal to the Appeal Review Committee within 30 days from the day after the results were announced or the notification of such results were received. The same case may only be submitted for review one time, and late applications will not be processed. However, in the case of natural disasters or other factors not attributable to the Appellant, which led the Appellant to miss the time frame for submissions given above, a written appeal for review may be submitted – including the grounds for appeal – to the Appeal Review Committee within ten days from when the cause of the deferred appeal ceases to exist. Deferred appeals, however, carry a grace period of one year.
2. The Appellant should submit a written appeal form to the Office of the Dean of Student Affairs. Anonymous appeals will not be processed.
3. The appeal form should state the Appellant's name, student number, department, year (freshman, sophomore, etc), the facts of the incident and grounds for appeal, as well as remedies sought. Relevant documents or evidence should also be attached.
4. The Appeal Review Committee should convene as soon as it receives an application for appeal. Except in situations where the appeal has been denied or the review suspended, the Committee may pass a resolution appointing three to five members to create a team that shall investigate the incident.
5. The Appeal Review Committee must complete its review within 30 days from the day after it receives an appeal form. If necessary, an extension on the time frame for review may be granted, and the Appellant must be informed. Only one such extension is permitted, and extended reviews must take no longer than two months. However, extensions are not permitted in cases that involve punishments such as expulsion or the removal of student status. If the Appeal Review Committee deems the submitted appeal form to

be invalid, but believes the problem can be remedied, it should notify the Appellant and ask them to re-submit the form in the proper format within seven days from the day after being notified. This period of resubmission shall not be included in the time frame assigned for review.

6. The Appeal Review Committee shall review the written information submitted. In principle, the process shall involve a closed review. However, the Committee should invite related parties to attend the meeting and provide explanations or statements of opinion in person when necessary. Such parties include the Appellant, a representative of the administrative unit that issued the original punishment, or any other people related to the case. The Committee may also hire several relevant experts to attend its meetings.
7. Before a copy of the Appeal Review Committee's written decision has been delivered to the Appellant, the Appellant may rescind the appeal application.
8. After filing an appeal, if the Appellant lodges an additional civil appeal or lawsuit regarding the incident itself, or a matter related to the incident, they should immediately inform NPTU in writing, and NPTU should then notify the Appeal Review Committee. Upon learning of this matter, whether by being informed or finding out through other avenues, the Appeal Review Committee should immediately suspend the review and inform the Appellant of the suspension. When the factors leading to the suspension of the review have dissipated, and after the Appellant has submitted a written request for resumption, the Committee should resume the review and notify the Appellant of this in writing. If all or a portion of the decisions made during the review of the appeal case are reliant on the outcome of the civil appeal or lawsuit, the Appeal Review Committee should suspend the review until the civil appeal or lawsuit have been concluded, and the Appellant should be informed of the suspension in writing. When the factors leading to this have dissipated, the Committee should resume the review and the Appellant should be issued with written notification of its resumption. However, this does not apply to cases in which the punishment assigned involves expulsion, removal of student status, or other such punishments.
9. In appeal cases involving punishments such as expulsion or the removal of student status, before the results of the review have been finalized, faculty, staff, or students may submit a written request to NPTU to allow the student in question to continue to study at NPTU.  
When NPTU receives such written requests, it should consult the opinion of the Appeal Review Committee, and, taking into account the student's lifestyle and learning situation, should provide a written response within seven days,

explaining all the rights and obligations to do with student status. Before the results of the appeal have been finalized, all matters – aside from the conferral of graduate certificates – must be handled as with regular students, including course selection, assessment of grades, and rewards and penalties for students.

10. The findings report for the review should include a main body of text, the facts related to the incident, the grounds for decision, and so on. Reports should also be compiled for appeal applications that have been rejected; its content should include the main text as well as grounds for not processing the case. The review findings report, on the other hand, should additionally offer methods of recourse for those who are dissatisfied with the appeal result.
11. After the decisions made in the review have been approved, they will be implemented by NPTU. In cases involving punishments such as student expulsion and removal of student status, if the original punishment is upheld in the review, it should be administered as follows:
  - a) The end date on the ‘proof of study’ certificate issued to the student should carry the date on which the original punishment was imposed.
  - b) A certificate should be issued for the credits the student earned from courses taken during the period of review.
  - c) Within 30 days of the appeal results being finalized, male students who have not completed mandatory military service must add their name to the “List of students whose reason for military draft deferral is no longer valid.”
  - d) Tuition refunds will be handled in accordance with related NPTU regulations.
12. When attendance is lower than two-thirds, the Appeal Review Committee shall not convene, nor shall it pass any resolutions.
13. After the Appeal Review Committee has compiled its findings report – outlining the administrative punishment to be imposed – and completed the necessary administrative procedures, the findings report should be sent immediately to both the Appellant and the unit that issued the original punishment. If the Appellant is dissatisfied with the result, they may submit an appeal application, along with a copy of the review findings report, to the Ministry of Education via the University within 30 days from the day after receiving the findings report. When NPTU receives such appeal applications, it should enclose a statement of defence and swiftly send the documents to the Ministry of Education.
14. If, aside from the administrative punishment imposed by NPTU, the Appellant objects to any other penalties, measures, or resolutions adopted;

and, having filed an appeal with NPTU, is dissatisfied with the result of the appeal, the Appellant may seek recourse by filing a lawsuit based on the nature of the issue in accordance with the law.

15. In cases where the original punishment issued by the University – involving expulsion, removal of student status, or other such sanctions – is overturned in a review or appeal decision, or in a lawsuit, and extraordinary circumstances exist that prevent the appellant from resuming study on time, NPTU should provide assistance to help the student resume their studies. For male students who have already been conscripted into mandatory military service and are thus unable to re-enroll, NPTU should reserve student status for them and prioritize their re-enrollment upon completion of military service. Before resuming their studies, such students should retroactively apply for student leave for the period of absence prior to re-enrollment.

Article 6 All matters for the Appeal Review Committee are handled by the Office of Student Affairs, with appeal applications processed personally by the dean of student affairs (if the person filing the appeal is the dean of student affairs, the application for appeal will instead be processed by the dean of academic affairs). Administrative personnel from the Office of the Dean of Student Affairs are responsible for handling documentation for the appeal case, issuing notifications of upcoming meetings, and other such administrative matters.

Article 7 After the review findings report has been compiled by the Appeal Review Committee and gained the approval of the University president, it shall be sent to the Appellant, and the administrative unit that issued the original punishment, measure, or resolution shall also be notified. If the unit that issued the original punishment, measure, or resolution believes that the appeal result contradicts related laws or that its implementation would be unfeasible, it should submit a written report – clearly stating the specific facts and grounds for objection – to the University president within 10 days of being notified, and carbon copy the Appeal Review Committee. If the president believes there are grounds for objection, the Appeal Review Committee shall be asked to reconsider the case. Only one such instance of re-deliberation is permitted. Once the decisions made in the review have been approved, they should be implemented by the University.

Article 8 The review conducted by the Appeal Review Committee, as well as the resolutions reached and the respective opinions of each of its members, should all remain confidential.

Article 9 Appeal applications related to campus-based incidents of sexual assault,

sexual harassment, or sexual bullying that fall under the category of investigation applications, as outlined in Article 28, paragraph 2, of the Gender Equity Education Act, shall be handled pursuant to related regulations in the Gender Equity Education Act.

Article 10 The student appeal system should be published in the Student Handbook and promoted widely so as to instill in students a better understanding of the appeal system's function.

Article 11 These regulations will be published and implemented after being passed in a University affairs meeting and being approved by the Ministry of Education. The same applies to amendments.

**Responsible administrative unit: Office of the Dean of Student Affairs,  
Office of Student Affairs**