

Tzu Chi College of Technology: Regulations for Student Appeals

July 1, 1994

Approved during the college council meeting at the end of semester

Approval for reference by the Ministry of Education, as written in the official document, Tai-Hsun (II) Tze, No. 0970888390

September 16, 2011

Third revision during the college council meeting at the beginning of semester

October 3, 2011

Approval for reference by the Ministry of Education, as written in the official document, Tai-Hsun (I) Tze, No. 1000175601

- Article 1 To guarantee the rights of the students to receive education, learn, and live, and to enhance the harmony of the campus, Tzu Chi College of Technology (hereinafter referred to as “the School”) established the Tzu Chi College of Technology Student Appeals Review Committee (hereinafter referred to as “the Student Appeals Review Committee”) on the basis of Paragraph 4, Article 33 of the University Law and Paragraph 7, Article 21 of the Tzu Chi College of Technology Organizational Regulation, as well as the Tzu Chi College of Technology Student Appeals Regulations (hereinafter referred to as the “Regulation”).
- Article 2 Students, student council, or other related student self-governing organizations (hereinafter referred to as “the appellant”) that consider a penalty, administrative measure, or resolution imposed by the School to be illegal, inadequate, and a violation of student rights and interests may file an appeal to the Student Appeals Review Committee.
- The aforementioned student refers to a student registered with the School when a penalty, administrative measure, or resolution is made.
- Article 3 The Student Appeals Review Committee shall be assembled according to the following regulations:
1. The Student Appeals Review Committee shall be composed of nine to twenty-one people. Depending on the nature of the appeals, consultant specialists may be recruited on a provisional basis. The committee members shall be appointed by the school president, and the members shall include at least one instructor from each department and the Center for General Education, and at least two student representatives from student self-governing organizations. No less than a half of the total number of committee members shall be instructors holding no

concurrent administrative positions, and more than one-third of the total number of committee members shall be of the same sex.

2. The committee members shall include specialists in law, education, and psychology.
3. The Student Merit and Penalty Committee members or personnel who are in charge of investigating or imposing resolutions regarding the merit and penalty of students may not serve as Student Appeals Review Committee members.
4. In the Student Appeals Review Committee, one chairperson shall be elected by committee member vote. The committee member serves for a term of one year and can be reelected. However, the term for the recruited specialist is based on the appeal session.
5. The executive secretary for the Student Appeals Review Committee shall be assumed by the director of the Office of Humanities.

Article 4 All Student Appeals Review Committee members shall be recruited without remunerations; however, transportation and attendance fees for personnel from outside the school shall be provided.

Article 5 The Student Appeals Review Committee meetings shall not commence without the attendance of two-thirds of the members. The resolution regarding the review decision report must be agreed upon by two-thirds of the attending committee members; resolutions for other matters shall be reached through the consent of half of the attending committee members. The members shall attend meetings personally and may, on their behalf, appoint or entrust other people to attend the meetings.

Article 6 Any Student Appeal Review Committee member who has conflicting interests with the appeal or the appellant shall voluntarily avoid reviewing the case. Before the review, the appellant may file a motion requiring such members to recuse themselves from the review hearing.
The committee shall develop resolutions regarding the aforementioned recusal motion.

Article 7 Concerning the student merit and penalty notification letter or other related measures regarding the rights of students and any student council or other related student self-governing organizations, the School shall append the deadline and procedures for submitting appeals.

Article 8 The appellant shall propose the appeal to the executive secretary of the Student Appeals Review Committee by providing pertinent information in writing and appending relevant documents. Should the appellant encounter special incidents, he

or she may, in person, report the matter to the personnel in charge of receiving appeals. Once the case is filed as a written document, the document shall be signed by the appellant.

The appellant may appeal only once for the same case to the School.

Article 9 Appellants who refuse to accept a penalty, administrative measure, or resolution imposed by the School may file an appeal by submitting documents to the Student Appeals Review Committee within 30 days (including weekends and national holidays) after receiving notification of such penalty, administrative measure, or resolution. Should the appellant miss the submission deadline because of a force majeure, he or she may submit the reasons for the delay in writing within 10 days after the force majeure to the Student Appeals Review Committee to seek permission for a late appeal. However, a late appeal exceeding one year after the deadline shall not be accepted.

Article 10 The Student Appeals Review Committee shall complete the review within 30 days beginning from the day of receiving the written appeal. If necessary, the review time may be extended once for a period not exceeding two months, and the appellant shall be notified of such extension. However, no extension shall be granted for appeals involving academic dismissal, expulsion, or similar disciplinary sanctions. Should the committee deem the written appeal to not satisfy regulations but be revisable, the committee shall notify the appellant to resubmit a revised written appeal within seven days. The review period shall exclude the resubmission time.

Article 11 During the appeal review, the Student Appeals Review Committee may organize an investigation panel for the case according to the resolution made by the committee. In principle, the panel shall consist of three to five members.

Article 12 After filing the appeal, the appellant may withdraw the appeal before the review decision report is completed.

Article 13 Once an appeal is filed, the appellant who initiates a petition or lawsuit regarding the case or its associated matters shall instantly notify the School in writing, and the School shall then notify the Student Appeals Review Committee. Should the committee be informed of the aforementioned incident or become aware of the aforementioned situation through its administrative power, the committee shall stay the review process and notify the appellant in writing. Once the reason for the stay is abated, the committee shall resume the review process and notify the appellant in writing. In addition, should the whole or partial review decision for the appeal be subjected to determination by the aforementioned petition or lawsuit, the committee

shall stay the review process until the petition or lawsuit is completed and shall then notify the appellant in writing. Once the reason for the stay is abated, the committee shall resume the review process and notify the appellant in writing.

The two aforementioned regulations do not apply to appeals involving academic dismissal, expulsion, or other similar disciplinary sanctions.

Article 14 In principle, the appeal review shall be a closed session.

Regarding the review of the appeal, the appellant, representatives of the organization being appealed against, and relevant personnel shall be summoned to provide opinions or comment on the appeal.

Article 15 Any review, voting process or result, and individual opinion made by the Student Appeals Review Committee members regarding the appeal shall be kept confidential.

Article 16 Before a review decision regarding appeals on academic dismissal, expulsion, or similar disciplinary sanction is determined, the College may, on the basis of its administrative power or petition filed by the appellant in writing, allow the appellant to maintain his or her student status. After receiving the petition filed by appellants facing academic dismissal or expulsion, the School shall consult the Student Appeals Review Committee regarding its opinion and evaluation of the life and learning situation of the appellant; subsequently, the School shall respond to the petition in writing within seven days and clearly enumerate the rights and obligations related to maintaining a valid student status.

Article 17 For appellants permitted to retain student status, as mentioned in the preceding provision, diplomas shall not be granted. All other matters pertaining to course enrollment, academic grade evaluation, and reward and penalty shall be the same as those for other students at the School.

Article 18 The review decision report for the appeal shall contain the main body of and factual information and reasons for the resolution. An appeal that is dismissed shall also be made into a review report, with no entry of factual information required.

The aforementioned review decision report should be created in accordance with Paragraph 1 of Article 21 and Article 22 of this Regulation, and shall provide the appellant with other remedies should the appellant be dissatisfied with the review decision of the appeal.

Article 19 The review decision report for the appeal shall be submitted to the president for approval and subsequently sent to the appellant. When the review decision report is approved by the president, the organization that imposed the penalty, administrative measure, or resolution on the appellant shall be notified. Should the unit that imposed

the penalty, administrative measure, or resolution regard the review decision report as conflicting or difficult to follow, such unit shall, within the deadline of the related regulation, clearly present factual information and reasons in writing for submission to the president and notify the Student Appeals Review Committee. Should the president consider the report submitted by the unit reasonable, he or she may request the committee to review the appeal again. Such re-review shall be limited to once only.

Article 20 Upon approval of the review decision, the School shall implement the review decision. Regarding appeals involving academic dismissal, expulsion, or similar disciplinary sanctions, the review decision that upholds the original penalty must adhere to the following regulations:

1. The date of the end of study specified on the certificate of study shall be the date on which the original penalty was implemented for appellants.
2. A credit certificate can be issued to appellants for the credits they earned from the courses taken during the appeal review period.
3. The List of Eliminating Military Service Deferment Reasons for Students Withdrawing from Study shall be submitted to the military authorities within 30 days after the review decision is made.
4. The standard for tuition refund shall comply with Article 8 of the College-Level and Above Regulations for Fees Charged to Students and Article 15 of the College-Level and Above Regulations for Tuition and Miscellaneous Fee Charges.

Article 21 An appellant who is dissatisfied with the review decision of the appeal against an imposed administrative penalty may file an administrative appeal to the Ministry of Education (MOE) within 30 days after receiving the review decision report. Such an administrative appeal shall be attached with the review decision report made by the Student Appeals Review Committee and forwarded to the MOE by the School.

After the School receives the aforementioned administrative appeal from the appellant, the School shall submit the answer to the appellant forthwith and submit the necessary relevant documents to the MOE.

Should the appellant file an administrative appeal directly to the MOE instead of following the student appeals procedure at the School, the MOE shall return the case to the School and the case shall be managed according to the student appeals procedure of the School.

Article 22 Except for in the case of administrative sanctions imposed by the School, should an

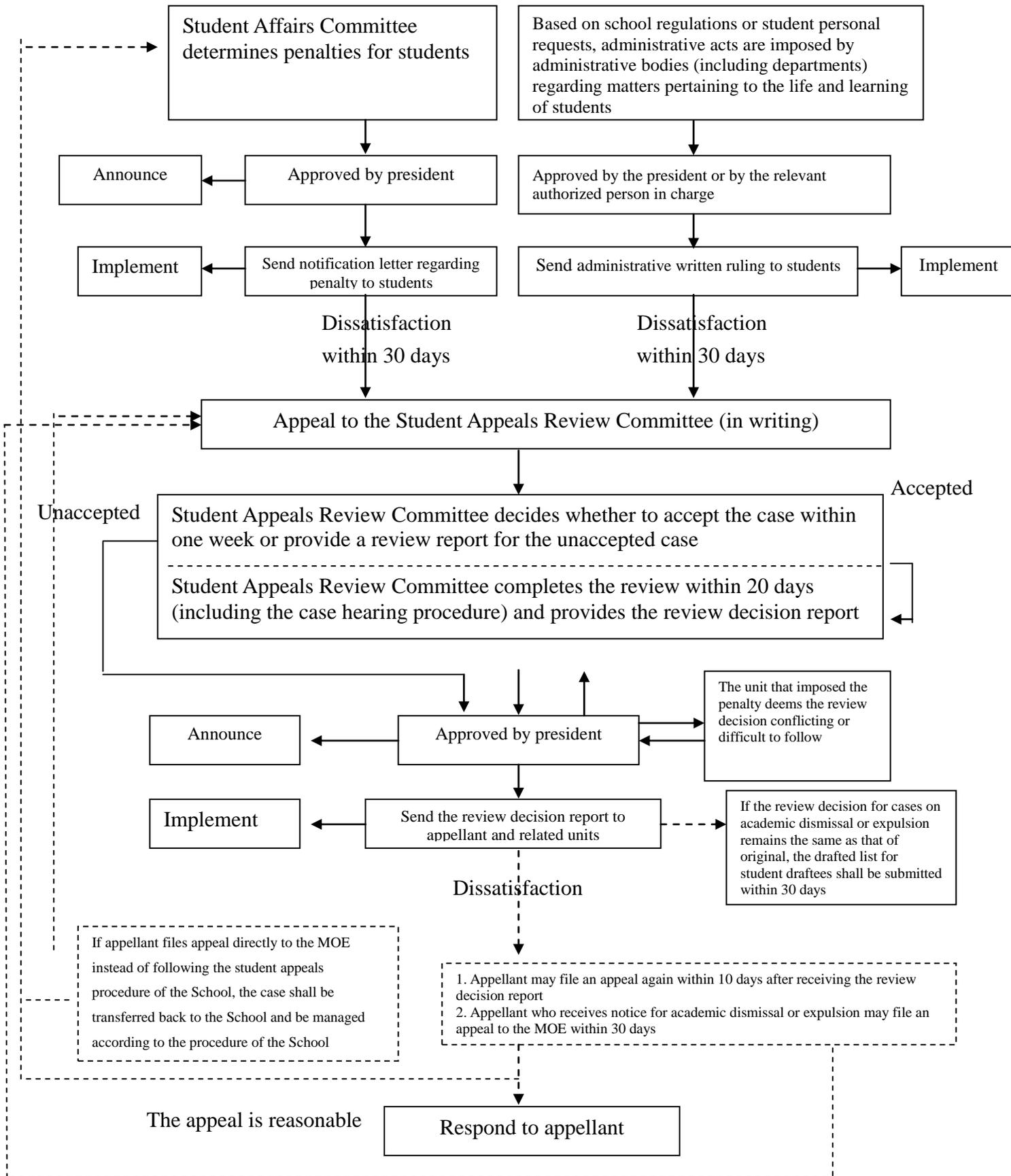
appellant be dissatisfied with the review decision made by the Student Appeals Review Committee regarding an appeal against a penalty, measure, or resolution imposed by the School, the appellant may file a lawsuit in accordance with the nature of the case to seek remedies.

Article 23 Should the results of an administrative appeal or administrative litigation cause the original penalty involving academic dismissal, expulsion, or similar disciplinary sanction imposed by the School to be revoked, the School shall provide counseling services with priority to appellants who cannot resume study in cases of special events. For a military draftee who is already in service and is thus unable to resume his study, the School shall retain his student status and provide counseling services to him, and he may resume study after completing his military service. The period of absence before the appellant may return to School shall be granted as a retroactive leave of absence.

Article 24 The Student Appeals Regulation shall be incorporated into the student handbook to enable students to understand the functions of the appeal regulations.
An appeal involving sexual assault, harassment, or bullying shall be investigated in accordance with Paragraph 2, Article 28 of the Gender Equity Education Act, and shall be managed by the Gender Equity Education Committee at the School in light of relevant regulations.

Article 25 The Regulations for Student Appeals have been approved by the Tzu Chi College of Technology College Council Meeting and shall be implemented upon approval by the MOE. The same procedure shall apply for any amendments regarding the regulations.

Tzu Chi College of Technology: Flow Chart for Student Appeals Procedure 2015.05



Tzu Chi College of Technology
Application Form for Appeals to the Students Appeals Review Committee

Class		Name		Student number		Sex		Application date	
Address				Telephone number			Person appealed against		
Describe the factual information of the review and penalty or the administrative measure									
Reason for appeal									
Category of the original review and penalty				Reasonable treatment considered by the appellant			Signature of the appellant		

Receipt

We have received

College Department Year Class One copy of the application form from the appellant

Junior college Department Year Class Signature of the appellant:

Date received: