

# NATIONAL YUNLIN UNIVERSITY of SCIENCE and TECHNOLOGY

## Student Appeal Regulations

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Article 1 The National Yunlin University of Science and Technology Student Appeal Regulations are formulated in accordance with the provisions set forth in Article 33, Paragraph 4 of the University Act and Article 12, Subparagraph 5 of the University's Organizational Charter to establish a student appeal system.

Article 2 Appeals by students, student associations, or other autonomous student organizations shall be handled by the Student Grievances Committee (hereinafter referred to as SGC) with a view to protection of the legitimate rights and interests of students, enhancement of teacher-student communication, development of campus ethics, and promotion of a harmonious atmosphere.

Article 3 Students, student associations, and other autonomous student organizations (hereinafter referred to as the appellants) who believe that the penalties/punishments, measures, or decisions imposed by the University are illegal or inappropriate and have violated the law or their rights and interests may file a complaint with the SGC in accordance with these Regulations. The term "students" referred to herein are individuals who have student status at the time of the disciplinary actions, measures, or resolutions. Nevertheless, those who have submitted an appeal because they are unsatisfied with verdicts made in accordance with Article 34 of the Gender Equity Education Act or Article 27 of the Guideline to Prevent and Handle Bullying on Campus are excluded.

**Article 4** The SGC shall consist of eleven to fifteen members of the following individuals:

1. five to eight faculty representatives: four faculty members nominated by each college (with a gender ratio of half each), from which the President selects five to eight members and three alternate members.
2. three student representatives: one from the student association, one undergraduate student, and one graduate student in accordance with the guidelines for the selection of student representatives at NYUST's relevant meetings
3. three experts on law, education and psychology: selected by the President from teachers at NYUST with relevant specialty backgrounds, or professionals outside the University

The term of office for the members is one academic year, and can be renewed. The number of faculty members who do not hold administrative positions shall not be less than half of the total number of the members. Those who have already served as members of the Student Disciplinary Committee or are responsible for student disciplinary decisions and investigations cannot be members. Members of any gender shall account for more than one-third of the total number of the members.

The SGC members shall serve without being paid; however, attendance fees and transportation expenses shall be paid to members outside the school in accordance with regulations when attending meetings.

The SGC convener and deputy convener shall be elected among the faculty representatives for a term of one academic year. The convener shall serve as the chairperson of the meeting and the deputy convener shall act on his/her behalf when he/she can't preside over the meeting.

The SGC may assign staff from relevant units to serve as secretaries responsible for necessary administrative tasks.

At least two special education scholars or experts, parent representatives, or other professionals related to special education requirements shall be additionally appointed as members of the SGC to handle special education students' grievances. Said appointment shall be processed in accordance with the Regulations Governing Services Related to Special Education Students' Grievances.

**Article 5** Rights of the appellant:

1. If any student, student union or other related student organization is unsatisfied with disciplinary actions, other measures or decisions taken by the University, a written grievance may be submitted to the SGC within 20 days after the day on which the notice of the disciplinary action arrived. Late submission will not be accepted. If extraordinary circumstances prevent the appellant from submitting within the prescribed period, the appellant must present a statement of reasons to the SGC and request permission to

submit the appeal within ten days after the reason becomes extinct. Submission of an appeal that goes past the prescribed period for over a year is not accepted.

2. The appellant may withdraw the appeal before the review decision of the SGC is handed down.
3. For the same case, the appellant can appeal only once to the SGC.

#### Article 6 Duties and obligations of the appellant:

1. The appellant shall honestly provide relevant information and respond to related inquiries.
2. The appellant shall explain the case or state opinions at the meeting when notified by the SGC.
3. If the information provided by the appellant in the complaint case is verified to be false, fabricated, or intentionally defamatory, the appellant shall be punished in accordance with the Student Recognition and Discipline Regulations, depending on the severity of the case.

#### Article 7 Preparatory procedures:

1. The university shall specify the filing deadline and procedures in the notification letters of student disciplinary actions, other measures or decisions.
2. Student appeals should be submitted to the SGC in writing or orally reported, put into a written form, and signed prior to submission. However, oral reports are only limited to cases when the appellant is severely ill or injured and unable to write.
3. The written appeal should include department, year, name, reason for the appeal, and specific facts (including who, what, when, where, how, why, and remediation sought). If there is any witness, his/her department, year, name, address, and contact phone number should be detailed for verification.
4. When the appeal application requires investigation or on-site understanding, an investigation team of 3 to 5 people can be appointed upon the resolution of the SGC.
5. If the appeal is clearly stipulated by law, contradicts the policy, or is beyond the jurisdiction of the SGC, the SGC should compose a decision document turning down the case and recommending ways to resolve it.
6. During the appealing process, should a student present a complaint, or lawsuit of the appeal case or other related matters, the SGC should be notified in writing. When the SGC learns of the fact, it should suspend deliberations of the appeal case until the lawsuit has concluded and notify the appellant. The review can resume upon the written request of the appellant, and the appellant should be notified in writing. Appeals related to expulsions, revocations, affected right to education, or changes to student status are excluded.
7. The principle of convening SGC meetings is "non-disclosure." Deliberation, voting and opinions of individual committee members are kept in strict confidence. In appeal cases

related to student privacy, the appellant's basic information should remain confidential. However, the SGC may request the presence of the appellant, the respondent, and related parties to explain in person or express their opinions in other ways.

8. The SGC shall make a review report after receiving the appeal document within thirty days. When an extension is necessary, the appellant will be notified. Extensions are limited to one time for a maximum of two months. Appeal cases related to expulsions, revocations of student status, affected right to education, or changes to student status may not be extended.
9. If the SGC deems the written appeal to be inconsistent with the provisions, but believes it can be corrected or supplemented, the SGC may ask the appellant to add supplemental evidence or otherwise correct the appeal within seven days and the correction time shall be deducted from the review period. If correction is not made within the prescribed time period, the SGC shall decide to reject the appeal.
10. When the SGC receives an appeal, the SGC members shall initiate a procedure review. The procedural review should include the following items:
  - (1) determination of whether the appeal complies with the provisions of the Regulations
  - (2) identification of the subject matter, facts, and reasons for the dispute
  - (3) The SGC may pass a resolution to reject an appeal case where more than at least one half of the committee members are present, and consent from at least one half of the committee members.
11. The decision document should include the main text, facts and reasons as its content. A decision document shall also be produced for grievance cases that are not accepted, but it should only contain the main text and the reasons and be submitted to the president, and then served to the appellant and the sanctioning unit in accordance with the administrative procedures. The review report should also record the remedies for those who disagree with the appeal decision in compliance with Article 8 or Article 9.
12. Students whose appeal cases involving expulsions, revocations of student status, changes to student status, affected right to education, or similar punishments have been accepted but pending are still allowed to continue their studies at the University after submitting an application in writing.
13. Validity of the review:
  - (1) The decision document shall be delivered to the appellant and the unit imposing the disciplinary action after being ratified by the University President. When the decision document is sent to the University President for ratification, a copy must be sent to the original unit of disciplinary actions, measures, or resolutions. If the

original unit of disciplinary actions, measures, or resolutions considers that the decision contradicts the law, or that it is in fact difficult to implement, it should state concrete reasons in a report to the University President within 7 days of receiving the decision document; a copy of the report shall also be sent to the SGC. If the University President considers that said reasons are justified, he or she may return the case to the SGC for further review (once only). After the decision made by the SGC has been approved, the University shall immediately implement it in accordance with the contents of the decision.

- (2) In appeal cases where the original disciplinary actions are upheld, academic credit and student status are handled in the following manner:
  1. The last day of attendance on the certificate of attendance shall be the date of the original disciplinary action.
  2. The University shall issue a certificate for credits completed during appeal procedures.
- (3) If the SGC upholds the sanction in an appeal regarding dismissal, expulsion, or similar punishments, matters related to military service and tuition refunds shall be handled as follows:
  1. Pursuant to the List of Deferred Enlistment Revocations for School-leaving Students, draftees must report for military service within 30 days after the appeal result is confirmed.
  2. Refunds are processed according to Articles 8 of the Regulations for Fee Collection for Colleges, Universities, and Institutes and Article 15 of the Regulations for the Collection of Tuition and Miscellaneous Fees for Colleges, Universities, and Institutes.

14. The procedures related to assistance of relief obtained by a review decision, administrative appeal and administrative proceedings are as follows:

If expulsion, cancelation of student status, or similar punishments ruling is overturned through committee reviews, petitions and appeals, or administrative appeals, but the student cannot resume schooling due to special incidents, the University should assist them in the resumption of schooling. For conscripts who cannot resume schooling due to their military duties, the University should retain their student status until they are discharged and help them return to school first. Conscripts can also apply for suspension before resuming schooling.

15. At least one half of the committee members shall be present for its proceedings to be valid, and consent from at least one half of the present committee members is

required to pass a resolution on the reasonableness of the appeal and other matters.

If they cannot attend the meeting, they can be represented by alternate members.

16. Committee members who are interested parties in the case should recuse themselves. Before deliberations, the appellant may also make recusal requests stating the facts and reasons . When a member recuses, he/she shall not be counted in the number of attendees required.

Article 8 Appellants who are unsatisfied with the results of appeals regarding administrative action by the University may file an official appeal which includes the grievance decision document along with the University's response answer to the Ministry of Education via the University within 30 days after receiving the decision. The grievance decision document shall be submitted as well.

Article 9 The Appellant who does not accept the review decision of an appeal against a disciplinary action, other resolutions or decisions other than administrative action, is entitled to file a law suit for remedy pursuant to relevant law.

Article 10 These regulations should be publicly announced on the new student enrollment website and relevant web pages of the Office of Student Affairs for reference. They should also be thoroughly explained and promoted at gatherings such as new student orientation, so that students may further understand the function of the complaint system.

Submitted appeals in terms of sexual assault, sexual harassment, sexual bullying and bullying on campus shall be subject to the Gender Equity Education Act and the Guideline to Prevent and Handle Bullying on Campus.

Article 11 The litigation expenses arising from appeals shall be paid by the unit being complained against.

Article 12 The Regulations shall be implemented after being passed by the University Affairs Meeting and approved by the Ministry of Education, and the same applies to amendments.