



# Tungnan University

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## Student Appeals

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**Established:** September 28, 1990

**Last updated:** October 28, 2015

**Article 1** For the purpose of protecting students' learning, living and educational rights as well as to promote campus harmony, Tungnan University (hereinafter referred to as TNU) has established this guideline in accordance to University Law article 33 and Articles 15 of the TNU Rules of Organization and established a Student Appeals and Arbitration Committee (hereinafter referred to as the Committee) for handling Students' Appeals and protect Students' rights.

**Article 2** Students, student councils or other autonomous student bodies (hereinafter known as the plaintiff) can file an appeal to the school in accordance with school appeal regulations and other relevant regulations if they perceive that school penalties, other measures or decisions are inappropriate or illegal and infringe upon the rights and interests of other people.

The previously mentioned students are students who were enrolled at the school at the time of the incident in question.

**Article 3** Committee has nine to seventeen members. A teacher members without administrative duties should be not less than half of total members, the gender member should be more than one third of the total members. The members have one-year term position and a autonomous student bodies 2 to 5. The Review Board should include people with expertise in law, education or psychology. Members of the Student Merit and Penalty Committee or people responsible for making student penalty or merit decisions or are in charge of student investigations cannot be members of the Committee.

**Article 4** The chairman is elected by the members.

The Chief of Student Consulting Center shall be Executive Secretary for the Review Committee.

- Article 5** Members of the Committee shall attend the review hearing in person. The review meeting should consist two-third of the members and result of the arbitration should be agreed by two-third .
- Article 6** When the litigant of the complaint is the member of committee should avoid making decisions.
- Article 7** Plaintiffs not satisfied with the penalties, measures or decisions taken by the school unrelated to administrative sanctions shall appeal to the school in accordance with the regulations governing the nature of the appeal to request rectification.
- Article 8** All the cases will be stored in the archive after each complaint close.  
After the case is closed, the contents cannot be viewed except the school principal or the chairman of the committee. If the principal and the chairman of the committee is the litigant of the complaint, then he/she is not allowed to view, either.
- Article 9** The plaintiff of students, student councils and other autonomous student bodies should consist of name of the complainant/ Student ID/ Faculty and provide specific facts and evidence as well as attaching any other relevant information in the complaint report. The format of Appeal as attached. The plaintiff is restricted to filing only one appeal per case.
- Article 10** Students, student councils and other autonomous student bodies not satisfied with the way the school has handled decisions should file an appeal within ten days from the next day of receiving the school's decision on the issue. The appeal should be submitted in paper to the Committee.  
Should any natural disasters befall the complainant or should any unforeseen circumstances out of the complainant's control cause the appeal to be filed past the deadline as described in the timeframe above, the deadline should be moved to ten days after the unforeseen event has ended. A detailed explanation of the unforeseen event should be submitted to the Committee to apply for the appeal to be processed. However, above mentioned regulations only apply for delays within one year. Appeals filed one year after the deadline will not be considered.

**Article 11** If the complaint is beyond the committee's range, the original unit should reject with proper written documents.

**Article 12** If on-site investigation is necessary for a petition case, upon the resolution of the Committee, an investigation team should be set. Students who file appeals due to on-campus sexual assaults, sexual harassment or sexual bullying, and whose appeals meet investigation criteria as stipulated in Item 2, Article 28 of the Gender Equity Education Act shall be processed according to regulations associated with the Gender Equity Education Act.

**Article 13** The appeal may be withdrawn after the appeal has been filed and before the paper copy has been submitted to the Committee.

**Article 14** Should the plaintiff decide to take legal action once an appeal has been filed, the plaintiff has to notify the school using a paper document as to who the litigant is, and the school is then required to pass this information on to the Committee. The Committee shall stop all proceedings regarding the appeal and inform the plaintiff after receiving the notification as described above. The appeal may proceed after all legal matters have been settled and the plaintiff notified. Appeals which involving expulsion, stripping away academic standing and other similar penalties does not enforced by this paragraph.

**Article 15** The meeting is not open for public hearing, but the complainant, the original disciplinary authority and the pertinent parties shall be informed to attend the meeting and offer explanation.

**Article 16** The Committee shall complete the review within thirty days from the next day of receiving an appeal. The aforementioned review period may be extended, if necessary, by the Review Committee, and a notice shall be given to the Appellant. The review period can only be extended one time for no more than two months. However, no extension shall be granted for the appeals with regard to a disciplinary sanction of dropout or expulsion from the University, or any other similar decisions.

The Committee find the appeal application not in line with the regulations, the plaintiff should be notified the appeal may be corrected and resubmitted within one week. This correction period is not included in the thirty-day review period

**Article 17** The deliberations of the Evaluation Committee as well as the voting and opinions of the members should be kept secret.

**Article 18** The report for the final appeal decision shall include the general body of the report, facts and reasons, etc. Appeals that are rejected before review must also issue a report but only list the general body and reasons. The final decision report shall be served to the plaintiff and the unit that issues the punishment. Previously mentioned decision report in the preceding paragraph shall be in accordance with article 19 paragraph 1 or article 20 and include the reasons for rejection as well as ways to correct it.

**Article 19** For the appeals with respect to any appeal against a disciplinary sanction of dropout or expulsion from the University, or any other similar decisions, the University may allow, by its own judgment or upon written request by the student, the student to remain his/her student status in the University before the conclusion of decision has been made by the Review Committee.

Upon receiving the written request of the student, the University shall consult the Review Committee for its opinions and take the student's living and learning conditions into consideration, and give the student a written response letter within 7 days. The response letter shall expressly state the relevant rights and obligations of a valid student status.

Appellants who are permitted to continue at TNU in accordance with the above article shall not be awarded with a diploma upon the completion of their studies. Appellants however shall be granted the same rights and obligations to coursework, grades, rewards, and punishments at TNU as enrolled students.

**Article 20** The report made by Committee shall send to chairman approval and served to the unit that issue the punishment at the same time. If the unit believes the result violates the rules or being inconsistent with the fact, it should present the specific facts on a reconsideration application to Chairman and a copy to Committee with thirty days after receiving a copy of the report. However, the reconsideration is limit to one time. After Committee made decision, the school must follow this decision in dealing with the case. In the case that decisions involving expulsion, reducing academic standing and other similar penalties are not overturned after the appeal, the following regulations shall be followed.

- a. The date in the proof of enrollment shall be the date of the

- original penalty.
- b. The school must provide proof of course credit for credits attained during the appeal period.
  - c. Males eligible for conscription in the “delayed service due to further education registry” will be reported after thirty days of the final decision.
  - d. Tuition will be refunded in accordance to Tuition for Undergraduates or abovementioned Schools Regulation article 8 and article 15.

**Article 21** The penalties enacted by the school are administrative sanctions. Plaintiffs who are not satisfied with the school’s appeal decision may appeal to the municipal government’s education office. The plaintiff must provide the school’s final appeal decision report. In the case where the headquarters (under the municipal government) finds that the school did not follow protocol in processing the appeal, the headquarters (under the municipal government) shall process the appeal in accordance with the school’s regulations.

**Article 22** In cases where the plaintiff is unable to immediately re-enroll due to extraordinary circumstances after the decision for expulsion, and where stripping away of academic standing and other similar penalties have been overturned, the school shall assist the student in re-enrolling. For males already conscripted for military service, the school shall retain their place in the school and give priority for re-enrollment after military discharge. Administrative processes for a gap year must be completely for the period of absence before re-enrollment

**Article 23** The Appeal System should be in the student handbook to relized the function of the appeal system. These Guidelines were passed during Stundent Affairs Meeting 、 Administration Meeting 、 Academic Meeting and submitted to the Ministry of Education for authorization. They have been implemented with the approval of the Chairman, and the same shall apply to all subsequent amendments.