

Regulations Governing the NTU Student Appeal

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Chapter 1 General

Article 1 (Source of law)

These regulations are enacted to establish the student appeal system ensuring students' learning, life, and taught interests in accordance with the provisions set forth in Paragraph 4, Article 33 of University Act, and Article 54 of Organic Regulations of NTU.

Article 2 (Main responsible unit)

The Appealing case made by students, Students Union or other related student self-government organizations shall be handled by the Student Grievances Committee (SGC).

The organization, responsibilities and function of the SGC will be set separately.

Chapter 2 Appeal

Article 3 (Appealing qualification, reasons and identity determination)

If a student who is punished due to violations related to life, learning and education rights believes that the punishment is illegal or violated his/her rights, s/he can apply for an appeal to SGC in accordance with these regulations.

If a student union or other related student self-government organization dissatisfies a punishment or other measures or resolutions issued by NTU, they also could apply for an appeal to SGC.

The "student" mentioned above means s/he is a NTU student while the fact happens.

Article 4 (Appealing deadline)

An appeal should be applied within thirty days after next day of the punishment is served; overdue will not be accepted.

The appellant may apply for a request to appeal with a force majeure excuse explained to SGC after ten-day deadline passes. However, if the appealing deadline has been overdue more than one year, the request is not allowed.

If the last day of the deadline is a holiday (excluding winter and summer vacation), next day of the holiday will be

the deadline.

Article 5 (Appealing manner)

The appellant should apply for an appeal through a written statement to SGC.

Article 6 (Appealing contents)

The appellant should state the following information and sign on the written appealing statement:

1. Name, age, gender, department, student ID number, contact address and phone number of the appellant.
2. The unit that issues the punishment.
3. The subject, fact and the reason of appeal.
4. Date, including year, month and day
5. Evidences.

If SGC considers a written appealing statement is non-compliant but which could be corrected, a correction notice should be issued to the appellant within seven days, and the correction time should be deducted from the arbitration period.

If the appeal is applied by multiple appellants, who may select less than three agents of them, and a letter of authorization should be attached.

Article 7 (Arbitration preparation procedures)

When SGC receives a written appealing statement, the chairman of SGC shall conduct the preparation procedures, and as necessary, invite at least three members of legal or related background and student members to consist of a preparation team, conducting the preparation procedures.

In the preparation procedures, the following matters should be reviewed:

1. Does the appeal filed meets the provisions of these regulations?
2. Identify the dispute object, fact and reason of the appeal.
3. The candidates of related parties attending the arbitration meeting.
4. Send a copy of the appealing written statement to the unit that issues the punishment, and as necessary with the related parties reply the contents of appealing written statement.
5. Arrange other related matters for preparation of arbitration.

Both the appellant and the unit that issues the punishment may provide recommended candidates of related parties.

The matters prepared in the preparation procedures should be listed as a written record, and submitted to the senior clerk of SGC to handle related matters. The results should be sent to the unit that issues the punishment and to the appellant.

Article 8 (The duty of the unit that issues the punishment)

The unit that issues the punishment should present the original punishment, a response and related documents for the appeal within ten days of the day next to receiving the photocopy of appealing written statement to SGC and the appellant.

The unit that issues the punishment considering the appeal reasonable should revoke or modify the original punishment and inform SGC.

If the unit that issues the punishment does not present a response and related documents for the appeal, the SGC shall make its own decision.

Article 9 (Withdrawal of appeal)

The appellant may withdraw his/her all or part of the appeal before the resolution report of arbitration is served. After the appellant withdraws the appeal, s/he should not apply for another appeal on the same fact.

Article 9-1 (ne bis in idem)

An appeal filed by students, Students Union or other related student self-government organizations in terms of same matter is based on the principle of non bis in idem (not twice in the same).

Article 10 (Incompliant or overdue appeal)

If the appeal is not accorded with the provisions set forth in Article 3 or Article 4 of these regulations, the SGC should revoke in writing the appeal and give an advice to handle it.

Article 10-1 (Inform the parties concerned)

The SGC should inform the appellant, the unit that issues the punishment and interest parties to be present for explanation before starting the arbitration.

Chapter 3 Arbitration

Article 11 (Arbitration period)

The SGC should complete arbitration within 30 days after receiving the appealing written statement. If an extension is necessary, the SGC should notify the appellant. One time of extension is allowed but never exceeding two months. However, the arbitration deadline should not be allowed if an appeal involves in withdrawal, expulsion or other similar related cases.

Article 11-1 (Investigation team)

The SGC shall resolve to establish an investigation team. In principle, the investigation team consists of 3 to 5 members of SGC.

Article 12 (The way of arbitration)

Arbitration should be made neutrally and is not allowed to make public.

In the arbitration, whether the appeal is accorded with the provisions of these regulations should be determined first.

The results of arbitration including the reasons for accepting or revoking the appeal should be agreed by majority of all members of SGC.

If related parties after being served legally do not present a response before deadline, and participate in the arbitration meeting on time or make a detailed explanation without proper reasons, the SGC shall directly make a decision after considering overall information and related evidences.

Article 13 (Confidentiality obligations)

For the arbitration, voting and member's individual opinion, should be kept confidential within the SGC.

Article 13-1 (The undergraduate application)

For the appealing case in terms of withdrawal, expulsion or other similar related cases, the unit concerned of NTU, before the resolution report of arbitration is concluded, should cause the appellant to continue being undergraduate at NTU according to the appellant's written application.

After receiving the appellant's application, the unit concerned of NTU should request the comments from SGC's members, and consider the appellant's life, learning condition, and respond the applicant within 7 days within a written document stating the the rights and obligations related to student status.

The undergraduate student at NTU set forth in the above two paragraphs, should handle his/her own documents including: performance evaluation, courses, and punishment & reward. NTU would not issue a diploma in this case..

Article 14 (The contents of resolution report)

A resolution report on the arbitration should include the following:

1. Appellant's name, age, gender, department, student ID number, contact address and phone number.
2. Unit that issues the punishment.
3. Verdict, fact and cause.
4. Unit that issues the resolution.
5. Date: year, month and day.

The unaccepted appealing case should be made into a resolution report in which the fact may not be recorded. The resolution report on the arbitration of above mentioned two paragraphs should be made in accordance with Paragraph 1 or Paragraph 3, Article 16 of these regulations, stating the remedy for disagreement of resolution report.

Article 15 (Validity of the Arbitration)

The resolution report made by SGC shall be confirmed by members and after being presented to the NTU President for approval, sent to the appellant and the unit that issues the punishment.

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 NTU President and a copy to the SGC within 10 days after receiving a copy the resolution report. However, the reconsideration is limit to one time. If the President believes it is necessary to provide supplement information for the reconsideration, which s/he may ask the unit that issues the punishment to provide within 3 days.

If the president does not receive the reconsideration application within specified period, or after receiving s/he think no reason for reconsideration, or the unit that issues the punishment does not provide supplement information within the specific period, s/he shall directly overrule the reconsideration application.

After receiving the reconsideration application, if the president thinks reconsideration is necessary, should present the application to SGC for reconsideration within 10 days. Before the reconsideration procedures, the SGC should notify the applicant and appellant upon receiving the president's instruction of reconsideration.

The reconsideration procedure is applied to the provisions set forth in Articles 11 to 14 of these regulations.

After the arbitration completes its administrative procedures, NTU should adopt the final decision.

As for the appeal for withdrawal, if the SGC upholds the original punishment, the affairs regarding school attendance and enrollment should be handled as follows:

1. The date of attendance termination stated in the attendance certificate should follow the date of punishment issued originally.
2. The credits finished during the appealing period should be recognized and issued a certificate.

As for the appeal of withdrawal or expulsion that the SGC upholds the original punishment, affairs regarding military service and tuition refund should be handled as follows:

1. Draftees should report to the military service unit within 30 days after the appealing result is confirmed, according to the law of the "The Dropout Students' List of Military Service Deferment Reasons Elimination."
2. The tuition refund shall be issued in accordance with the Article 8 of The Principle of Varsity Charge and the Article 15 of The Principle of Varsity Tuition and Fees Charge.

Chapter 4 Petition

Article 16 (Petition and litigation)

If the student who receives the administrative action made by NTU and applies for an appeal to the NTU's SGC, disagrees with its decision may legally file an administrative appeal with the resolution report to Ministry of Education within 30 days starting from the next day of receiving the report. Upon receiving the forgoing petition, NTU shall submit the statement of defense with required related documents to Ministry of Education as soon as possible.

An appellant, who files an appeal against the administrative action, other measures or resolutions other than the administrative punishment made by NTU to NTU but disagrees with its decision, may file a suit and request

remedies according to the natures.

Article 17 (handling of resuming study)

The counseling and handling procedures for relief obtained by administrative appeal and administrative proceedings are as follows:

1. If a decision of withdrawal or expulsion is overturned or modified for a student to resume study, but the student can't resume study immediately due to some special reasons, NTU should give him/her a counseling to resume study. For those draftees already report to the military service and cannot resume study, NTU should retain their student status and counsel them to resume study after they are demobilized; and they may conduct the suspension during the leaving period before resuming study.
2. If a decision of withdrawal or expulsion is overturned or modified for a student to resume study, the withdrawal should be revoked according to the NTU policy.

Article 18 (Litigation effectiveness)

While the arbitration is conducted, the appellant or any other related parties who file a petition or any kinds of lawsuit regarding the appeal or its involved matters should notify the SGC in a written statement.

The SGC can should stop the arbitration after receiving the notification, and notify the appellant; after the reason of stop eliminates, upon the appellant's written request, it may continue the arbitration and give a written notice to the appellant.

The arbitration decision on the entire or a part of appealing case based on whether the legal relationship of petition or litigation establishes or not, the SGC should stop the arbitration before the petition or proceedings closes, and give a written notice to the appellant; after the reason of stop eliminates, it should continue the arbitration and give a written notice to the appellant.

The appealing case regarding withdrawal, expulsion or similar punishment is not applied to the provisions of foregoing three paragraphs.

Chapter 5 Annex

Article 19 (Appeal of Gender Equality)

For the appeal filed by an appellant, and an investigation applied due to sexual assault, sexual harassment or sexual bullying, and the nature of which is attributed to the provisions set forth in Paragraph 2, Article 28 of Gender Equality Education Act, shall be handled in accordance with the provisions related to the same Act.

Article 20 (Enforcement date)

These regulations are enforced on the date of release after they are passed by the Student Counseling Committee and administration meeting, and sent to Ministry of Education for approval.