

# Student Appeal and Review Committee Procedures

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**Article 1** In order to protect the rights of students, the student clubs and other relevant student self-governance organizations and increase harmony on campus, Ming Chuan University (hereinafter referred to as “the University”) established The Student Appeal and Review Committee (hereinafter referred to as “the Committee”) in accordance with Item 4 Article 33 of the University Act, and Article 46 of the Ming Chuan University Organizational Code.

**Article 2** The Committee consists of 12 members, who are selected by the president from among full-time faculty at the university, lawyers, and psychologists, serving two-year terms. Those without administrative duties must make up more than one half of the members. Each academic year, one student representative from Taipei or Taoyuan campus attends the meetings based on the campus where the Claimant studies. All Committee members serve without remuneration, and members of either gender must make up one third or more of the Committee. Members of the Student Awards and Punishment Committee are not eligible to be members of this Committee. The convener of the Committee is designated by the president.

In order to deal with students who require special assistance, two experts in special education, representatives of special education parents’ group or other special education experts will be invited to serve as Committee members for that meeting; their term will not be restricted by the first item. For international students or students with special situations, on-campus or off-campus representatives from relevant units or experts may be invited to attend the meeting with the approval of the Committee.

**Article 3** A Process Committee, which is responsible for examining the credentials of a case, is established under the Committee and consists of three to five members of the Committee who are designated by the president.

Cases not meeting the criteria of Articles 4 & 5 will not be accepted. However, if the documentation for these cases can be supplemented, the Committee should inform the Claimant within seven days to provide the information. Late submissions of supplemental documentation are not accepted.

Not accepting the cases referred to above must approved by a majority of the Committee members through a resolution passed via correspondence or in person, and the Committee must provide a

written resolution stating the case is not accepted.

**Article 4** A student, the student club, or other related student self-governance organizations who that their right or interest was unlawfully or improperly injured by a punishment, disciplinary action or resolution made by the University is entitled to file a claim with the Committee.

**Article 5** A student who receives a Statement of Punishment from the University regarding their personal studies or personal life, or the student club, or other related student self-governance that organizations receives a punishment, disciplinary action or resolution from the University, has the right to file an appeal in writing to the Committee within twenty days from the day following issuance of said punishment, disciplinary action or resolution.

Claimants whose claims are delayed due to circumstances beyond their control may seek permission from the Committee in writing within 10 days after the occurrence of the unavoidable delay. However, claims beyond one year after the fact are not eligible for consideration.

In principle students, student clubs, or other related student self-governance organizations can file a claim only one time for a given case.

**Article 6** Students, student clubs, or other related student self-governance organizations must file an appeal in writing and provide other relevant information when the claim is filed.

**Article 7** The appellant may withdraw the claim before the review decision has been served.

**Article 8** A majority of Committee members must be present and more than two thirds of the members must be in agreement to overturn a resolution or rescind a punishment. A Committee Chair is to be elected from among Committee members.

In principle, the meeting is convened in private session, though the claimant or related person(s) may be present to provide explanation. The opinions of the participants and the resolutions of the Committee meeting must be kept confidential by all related persons.

**Article 9** The Committee must make a resolution within 30 days once the Statement of Claims is submitted to the Committee. If necessary, the Committee may extend the review period once, up to two months; the claimant shall be notified of the extension. However, cases involving 1<sup>st</sup> and 2<sup>nd</sup> Level expulsions may not be extended.

If the Committee indicates that an appeal application does not meet the regulations and can be corrected, the Committee should inform the claimant to correct it within seven days. The correction period should be deducted from the reviewing period.

**Article 10** The Review Resolution Statement must include the subject, facts and reason; cases not accepted must be concluded with a review resolution statement including only the subject and reason. The review resolution statement is dealt with in accordance with Clause 1 Article 19 and Article 20 in University and College Student Appeals Procedural Guidelines. Students who are unwilling to accept a resolution may proceed with legal action to seek remedy.

**Article 11** If the result of the Committee review indicates that the original punishment, measures, or resolution indeed was illegal or improper and resulted in harm to the student, student club, or student self-governance organization, the resolution statement must contain detailed reasons as well as suggestions for means of remedy which can be transferred to the punishing unit concerning actions to be taken. If the Committee makes a decision of not entertaining a case or that the claim is

unsustainable, the Committee must also provide detailed reasons on the review statement and refute the claim of the claimant.

The resolution statement is written in Chinese, but an English translation is added when the case is related to an international student(s).

**Article 12** The review statement should be ratified by the president and sent to the claimant by the organizational unit subordinate to the Committee.

Before the results of the review resolution statement are enacted, if the original punishing units consider that the content of the review resolution statement conflicts with regulations and is difficult to be implemented, the original punishing units may offer concrete facts and reasons in written form to the president and notify the Committee. If the president approves, the claim may be transferred back to the Committee for additional review; the claim may only be reviewed once.

Once the resolution statement has been finalized, the resolution must be immediately implemented. If a 1<sup>st</sup> or 2<sup>nd</sup> Level expulsion or similar action is confirmed through the review, the student's status shall be processed in accordance with the following regulations:

1. The date on the Certificate of Completion will be the date when the punishment was issued.
2. A credit certificate will be given for courses taken during the appeal and review period.
3. Male students of military age must register within 30 days on the roster of the students who have left university and had their postponement of military service cancelled.
4. Standards for tuition refunds will be in accordance with Article 8 of Regulations of Student Fee Charges at Higher Education Institutions and Article 15 of Regulations of Student Fee Charges at Higher Education Institutions.

**Article 13** The Review Resolution Statement will be delivered to the claimant and the original punishing unit after being ratified by the president.

**Article 14** Students filing claims regarding expulsion, and other related punishments may submit a written request to continue their studies at the University. The University must ask the Committee for their opinion upon receiving such a request, and upon considering the situation of the student, reply in writing within one week. The reply must detail the rights and responsibilities associated with the claimant(s)'s status.

**Article 15** In accordance with the former article, students who receive permission to continue studying in the University will be treated the same as other students in regards to matters such as courses, grades, and demerits, but said students will not receive a diploma.

**Article 16** After filing a claim, claimants must inform the University in writing if they file an appeal or legal action regarding the case or other related matters. The University should inform the Petition and Appeal Committee of Ministry of Education of such information.

The Committee must stop reviewing the claim upon receiving such information, and inform the claimants. The Committee may continue reviewing the claim, and inform the claimant in writing, when the original reason to stop the review ceases to exist.

If the overall or partial review resolution shall be determined based on the confirmation of the appeal or legal action, the Committee must stop reviewing the claim upon the termination of appeal or legal action procedures, and inform the claimants in writing. The Committee may continue reviewing the

claim and inform the claimant in writing when the original reason to stop the review ceases to exist. However, claims involving expulsion or related actions are not restricted by these two conditions.

**Article 17** Students who disagree with the punishment measures or resolutions but do not receive a pardon after filing a claim with the University may file an appeal with the Ministry of Education via the University, attaching the University defense statement and relevant documents within 30 days of receiving the review statement, beginning the day after the statement is received. The review statement must be attached when filing the claim.

If students who are unwilling to accept their punishment of expulsion or other measures or resolutions and file a appeal with the Ministry of Education directly, the Ministry of Education must transfer the appeal to Student Appeal and Review Committee in the University in accordance with established rules.

Students who are unwilling to accept the appeal result of their punishment of expulsion or other measures or resolutions may proceed with legal action according to the nature of the case to seek pardon.

**Article 18** If, upon being allowed to resume their studies as a result of an appeal resolution or a judgment resulting from administrative legal action, students fail to resume their studies on time due to special circumstances, the University must assist the student in resuming his or her studies. The University must retain student status for those students who have joined the military or who are unable to return to their studies due to military service, and provide priority counseling to such students after they leave the military. Students may also go through study leave procedures for the period they are absent from the University.

**Article 19** Claims involving sexual assault, sexual harassment or sexual bullying, and of a nature to be covered under Item 2, Article 28 of Gender Equity Education Act should be dealt in accordance with the Gender Equity Education Act and are dealt with separately by the Gender Equality Education Committee.

**Article 20** Matters not covered in these procedures will be dealt with in accordance with the rules of Ming Chuan University and the Ministry of Education.

**Article 21** Upon being passed at the University Affairs Committee Meeting and submitted to the Ministry of Education for reference, these procedures were announced and implemented. Any revision must follow the same procedure.

**\*\*In the event of any inconsistency or discrepancy between the Chinese and other language versions of this document, the Chinese version shall prevail.\*\***