

National University of Kaohsiung Regulations for Treatment of Students' Complaints

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- Article 1 In order to safeguard students' interest and right and guide students' academic performance, life and award & punishment, National University of Kaohsiung (the "University") establishes the complaint system and these Regulations according to Paragraph 4 of Article 33 of the University Act, and this University's Articles of Association.
- Article 2 When a student, student union, or any other related student self-governing association (hereinafter referred to as the "complainant") considers that their rights or interests have been unlawfully or improperly injured by the punishments, other measures or decision made by the University, a complaint may be made according to these Regulations.
- Article 3 The University establishes the Student Appeals Review Committee dedicated to processing complaints (hereinafter referred to as the "Appeals Committee"). The Appeals Committee shall appoint one executive secretary who shall be concurrently assumed by the relevant division director of the Office of Student Affairs, who accepts cases, and shall designate dedicated personnel to process the appeal statement and accept complaints filed by students.
- Article 4 The Appeals Committee shall consist of two full-time teachers elected by each colleges, one full-time teacher elected by the Center for General Education, and student representatives (including one undergraduate student representative and one graduate student representative), who take the position without remuneration, including teachers, scholars specialized in law, education and psychology, or representatives from the teachers' association, totaling 13~17 members. Among them, the teacher members who do not assume the administrative posts concurrently shall be no less than 1/2 of the total members, and the members of any specific gender shall account for more than 1/3 of the total members. The Student Awards and Discipline Committee members or the personnel responsible for deciding and investigating the student rewards and discipline shall not assume the Appeals Committee members. If the appeal case involves international students, a representative on behalf of international student's counselor is required to be a member of Student Grievances Committee, and written resolutions either in English or in both Chinese and English would be a must if necessary. Controversies, if any, concerning the texts in different versions shall submit to the Chinese one.

- Article 5 The Dean of Student Affairs shall act as the temporary convener of the Appeals Committee meeting. Then, the chairperson elected at the meeting will chair and convene the Appeals Committee meetings. If necessary, the relevant personnel may be invited to attend the meeting.
- The chairperson of the Appeals Committee is elected amongst teacher members. The chairperson shall hold the position for the term of office for 1 year and may be re-electable.
- Article 6 The teacher members of the Appeals Committee shall hold the position for the term of office for 2 years, and the student representatives for 1 year, and may be re-electable, provided that the term of office to be served by any temporary counselor shall be no longer than the duration of meeting for the relevant complaint.
- Article 7 The Appeals Committee meeting shall be attended by a majority of the members in person. The resolutions about review shall be subject to approval of more than 2/3 of the present members, while the others shall be subject to approval of a majority of the present members.
- Article 8 The member shall attend the meeting in person and be prohibited from appointing or entrusting another person to act as his/her proxy.
- The members who have a conflict of interest with the complaint shall recuse themselves. Before the case is decided, the complainant may apply for the recusal of said members. The application referred to in the preceding paragraph shall be decided by resolution made by the Appeals Committee.
- Article 9 The University shall specify the deadline and procedure for complaint in the student discipline notice or any measure related to students' interest and right.
- Article 10 If the complainant disputes any punishment, measure or resolution rendered by the University, he/she may file a complaint in writing with the Appeals Committee within 10 days following the date of acceptance or receipt of the punishment, measure or resolution.
- If the complainant fails to file the complaint by said deadline due to an act of God or other circumstances not attributed to him/her, he/she may submit written statement with reasons to the Appeals Committee within 10 days upon extinguishment of causes. Notwithstanding, no complaint may be made upon expiration of more than one year after the deadline.
- Article 11 The complainant shall submit the written statement of specific facts and reasons, as well as desired relief, together with the related information, to the executive secretary of the Appeals Committee. For any special case, the complainant may state to the undertaker verbally. The documents produced afterwards shall be signed by the student.
- The complainant may file a complaint against the same case for no more than once.
- Article 12 The Appeals Committee shall revoke any cases which are beyond the scope of the complainant contemplated herein by rendering a written decision, and shall also suggest the responsive measures, with a carbon copy to the chair of department/institute and instructor, if necessary.
- Article 13 If it is necessary to investigate, or conduct an on-site survey on the complaint, 3~5 members shall be delegated to form an "investigation task force" upon resolution of the Appeals Committee.
- Article 14 Before the written decision against a complaint is served, the complainant may

withdraw the complaint.

Article 15 If the complainant files an appeal or lawsuit against the complained matter or mattered related to the complaint after bringing forth the complaint, he/she shall notify the University in writing immediately to enable the University to convey the same to the Appeals Committee.

Upon awareness of the circumstance referred to in the preceding paragraph upon receipt of the notice referred to in the preceding paragraph or ex officio, the Appeals Committee shall suspend deciding the complaint and notify the complainant of the suspension. Upon extinguishment of causes for the suspension, the Appeals Committee shall continue to decide the complaint upon the complainant's written request, and also notify the complainant in writing. If the appeal shall be decided based on whether the legal relations in other appeals or legal actions are sustained, in whole or in part, the Appeals Committee shall suspend deciding the complaint prior to conclusion of the appeal or lawsuit and also inform the appellant in writing. Upon extinguishment of causes for the suspension, the Appeals Committee shall continue to decide the complaint, and also notify the complainant in writing.

Notwithstanding, the preceding two paragraphs shall not apply to the complaint against the decisions about expelling or expulsion from school or similar decisions.

Article 16 The complaint shall be resolved privately, in principle.

To resolve a complaint, the complainant, representative of the original unit, and related parties may be notified to attend the meeting to make statement or express opinion.

Article 17 The University shall decide the complaint within 30 days following the date of receipt of the appeal statement. If necessary, said-noted time limit may be extended and the complainant shall be notified of the extension. The time limit may be extended for no more than once and for no more than two months. Notwithstanding, no extension is granted, in the case of a complaint against the decisions about expelling or expulsion from school or similar decisions.

Article 18 The Appeals Committee shall decide the complaint according to the University's related regulations, in a fair and justified manner. The decision and resolution of the Appeals Committee and individual member's opinion shall be kept confidential. The complainant's basic information shall be kept confidential, if the case involves the student's privacy, and appropriate guidance shall be provided.

Article 19 If the complaint is revoked upon resolution of the Appeals Committee or the Appeals Committee decides that the original decision should be revoked, the case shall be remanded to the original unit for another appropriate decision. The written decision shall include the syllabus, facts and reasons. A written decision shall also be made against the complaint that is rejected upon resolution, provided that it shall only specify the syllabus and reasons.

For any disagreement with the decision on the complaint against any punishment or measures or resolution rendered by the University other than administrative decisions, the complainant may initiate a legal action to seek relief pursuant to laws, subject to the nature of the case.

For any disagreement with the decision on the complaint filed against an administrative decision made by the University, the complainant may submit a written statement of appeal attached with the written decision against the complaint within 30 days following the date of service of the written decision to the

University for defense, and then an appeal may be filed with the Ministry of Education after the same is reviewed by the University.

If the complainant files an appeal against an administrative decision rendered by the University with the Ministry of Education directly, without first seeking relief through the University's appeal procedure, the case will be remanded to the University and processed according to the student appeal procedure.

Article 20

For complaints against decision on expelling or expulsion from school or any similar decision, before the University decides the case, the University may keep students stay in school ex officio or upon students' written request.

The University shall consult with the Committee upon receipt of the request made by the student referred to in the preceding paragraph, and the Committee shall respond in writing within 7 days after taking the student's life and academic performance into consideration, and also specify the right and obligation related to the enrollment status.

Except for the diploma, the courses, performance evaluation, reward and punishment of the undergraduates referred to in Paragraph 1 shall be handled in the same manner applicable to those of on-campus students.

Article 21

The written decision shall be served to the complainant upon authorization of the president, subject to the organization and affiliation of the Committee. The written decision as authorized by the president shall also be notified to the unit rendering the original punishment, measure or resolution. If said unit considers that the punishment, measure or resolution is against the law or not predicated on facts, it shall submit the statement specifying facts and reasons to the president within the specific time limit defined in the University's regulations related to complaints, with a carbon copy to the Appeals Committee. If the president considers that the cause is grounded, the president may ask the Appeals Committee to re-consider the case no more than once.

Upon authorization of the written decision, the University shall execute the same.

Article 22

If the original decision on a complaint against expelling or expulsion from school or any similar decision sustains upon resolution, the complaint shall be processed in the following manners:

- I. The deadline of study identified in the certificate of study shall be the date of the original decision.
- II. A credit certificate will be given for the courses and credits completed in the duration of the complaint.

Article 23

If the original decision on a complaint against expelling or expulsion from school or any similar decision sustains upon resolution, the student's military services and the standards about refund shall be processed in the following manners:

- I. The "List of Student Draftees Whose Causes of Postponed Military Services Extinguish" shall be reported within 30 days after the decision on the complaint becomes final.
- II. The standards concerning refunds will be based on Article 8 of the "Regulations for Collection of Fees by Junior Colleges and Institutions of Higher Education from Students" and Article 15 of the "Tuition Fee Regulations for Junior Colleges and Institutions of Higher Education".

Article 24

For any disagreement with the decision on the complaint against any punishment or measures or resolution rendered by the University other than administrative decisions, the complainant may initiate a legal action to seek relief pursuant to laws,

subject to the nature of the case.

Article 25

The guidance to relief sought by appeal and administrative litigation:

- I. If the decision against expelling or expulsion from school or any similar decision rendered on a student is revoked upon decision on an appeal or administrative litigation, but the student cannot resume studies on time due to special situations, the University shall help him/her resume studies. For the draftee who has already started his military duty and fails to resume studies, the University shall retain his student status and help him resume studies as the first priority after his retirement from the military. The student may also apply for voluntary suspension from study for the deregistration period before he resumes studies.
- II. The student who is approved to resume studies upon another decision given through appeal or administrative suit shall complete cancellation of the expelling procedure pursuant to the University's rules.

Article 26

The complaints filed by students against sexual harassment, sexual assault, and sexual bullying on campus, which are covered by the investigation claimable under Paragraph 2 of Article 28 of the Gender Equality Education Act shall be handled in accordance with the Gender Equality Education Act.

Article 27

These Regulations shall be approved by the University Affairs Meeting, and enforced upon authorization of the Ministry of Education. The same shall apply where these Regulations are amended.

In the case of any discrepancy between the English version and Chinese version, the Chinese version shall apply.