

Feng Chia University Guidelines for Student Appeals

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Article 1: These guidelines are stipulated in order to ensure the rights and privileges of Feng Chia University students (Feng Chia University shall hereafter be referred to as 'FCU'); furthermore, these guidelines are stipulated in accordance with Paragraph 4 of Article 33 of the "University Act" and Article 15 of the "Feng Chia University Organizational Regulations."

Article 2: FCU has formed the Student Appeals Arbitration Committee (hereafter referred to as 'arbitration committee'). The committee is made up of nine teachers and six students, who shall select one convener. The term of service is one year. Committee members receive no remuneration.

Teacher committee members are chosen from among full-time faculty members and are to be approved by the president of FCU. In addition, the president of FCU shall appoint scholarly experts who specialize in law, education, and psychology to serve as committee members. At least half of the teachers serving on the committee shall concurrently hold administrative positions. The gender ratio of the total number of committee members shall not be less than 1:3.

Those committee members who serve on the Student Awards and Disciplinary Actions Committee, are responsible for deciding student awards and punishments, or are investigative panel members may not serve on the arbitration committee. Student committee members are recommended by the student association and appointed by the president of FCU.

The Office of Student Affairs shall assist in the arbitration committee's administrative tasks.

Article 3: If a student, the student association, or other related student organizations (hereafter referred to as 'complainant') believes a disciplinary action, measure, or decision, is illegal, improper, or infringes upon his/her rights or privileges, he/she may in accordance with the provisions stipulated in these guidelines put forward an appeal to the arbitration committee.

The previous paragraph refers to those individuals who, at the time of the disciplinary action, measure, or decision are officially registered as FCU students.

Article 4: Within ten days of receiving notification of a disciplinary action, measure,

or decision (within thirty days if the notification is received during the winter or summer vacation), a complainant may file an appeal. Appeals are put forward to the arbitration committee and must include a written letter with specific facts and relevant information.

If, for any reason, the complainant cannot meet the relevant deadline, he/she must request permission from the arbitration committee to delay the appeal process. However, a delay of more than one year is not allowed.

Article 5: Upon receipt of a written appeal, the arbitration committee has a maximum of thirty days to complete a review (calculated from the day after the written appeal is received). If necessary, the arbitration committee may apply for one extension; extensions cannot exceed two months. The complainant must be notified of any extension or delay. If the appeal involves mandatory withdrawals, expulsions, or other serious disciplinary action, extensions are not allowed.

If the written appeal does not comply with regulations and requires revision, the arbitration committee shall provide the complainant with seven days to make the necessary corrections. The revision period shall be calculated separately from the review period.

Article 6: The complainant's information and private affairs shall be kept confidential.

Article 7: For each individual case, the complainant may only put forward an appeal to FCU once.

After filing an appeal, but before the appeal review is delivered, the complainant may withdraw the appeal.

If, after filing an appeal, the complainant puts forward a legal appeal or lawsuit, he/she shall promptly inform FCU in writing, whereupon FCU shall inform the arbitration committee. The arbitration committee shall in accordance with the notification of the previous paragraph or in accordance with its own authority, discontinue the review and inform the complainant. After the reasons for discontinuing the review have ended, and with the complainant's written request, the review shall proceed; written notification shall be provided to the complainant. After an appeal, in whole or in part, has been decided, a legal appeal or lawsuit may be used to challenge the decision. Before the legal appeal or lawsuit procedures end, the arbitration committee shall discontinue the review; written notification shall be provided to the complainant. After the reasons for discontinuing the review have ended, the review shall proceed; written notification shall be provided to the complainant.

Article 8: Arbitration committee meetings are not open to the public, but the complainant, the representative of the original disciplinary unit, and those who are affected by the case may be invited to attend.

When necessary, the arbitration committee may establish an investigative panel, composed of three to five individuals, to investigate specific matters or provide clarification.

Arbitration committee votes, as well as recommendations made by committee members, shall be kept confidential.

Article 9: Before an arbitration committee meeting review can commence, at least two-thirds of the total number of committee members must be present; furthermore, resolutions are adopted with the consent of at least half of the members present at a meeting. Resolutions involving mandatory withdrawals, expulsions, or other serious disciplinary actions are adopted with the consent of at least two-thirds of the members present at a meeting.

Article 10: The content of review decisions shall include the main verdict, facts, and reasons. Rejected appeals shall also have a review decision, which shall only include the main verdict and reasons.

Review decisions, in accordance with Article 14 or Article 14-1 of these guidelines, shall describe assistance methods for those not satisfied with the final decision of the appeal review.

Article 11: After the arbitration committee has completed the review decision, it shall be ratified by the president of FCU, and sent to the complainant. When the review decision is sent to the president of FCU, the original disciplinary unit shall also be notified. If the original disciplinary unit believes that a regulatory inconsistency exists or that the review decision will be difficult to implement, specific facts and reasons should be reported to the president of FCU, as well as the arbitration committee, within seven days. If justified, the arbitration committee shall again review the case; however, reviews of this nature are limited to one time. After a review has been ratified, FCU shall implement the review decision.

Article 12: For mandatory withdrawals, expulsions, or any other serious disciplinary actions, original punishments that are upheld after an appeal shall be handled in accordance with the following provisions:

1. The final date of attendance recorded on the attendance certificate shall be the date of the original disciplinary action.
2. A credit certificate shall be issued for course credits attained during the appeal period.
3. Within thirty days of the appeal results, students eligible for military service shall be registered on the "Name List of Students Who Leave School and Lose Draft Delay Eligibility."
4. Tuition refund standards shall be handled in accordance with Article 8 of "Regulations Governing Student Fees for Institutions of Higher Learning" and Article 15 of the "Regulations Governing Student Tuition and Miscellaneous Fees for Institutions of Higher Learning."

Article 13: Before a review committee determines an appeal for cases involving mandatory withdrawals, expulsions, or other serious disciplinary actions, FCU, pursuant to its authority, or in accordance with the student's written application, shall allow the student to continue his/her studies.

When a written application is received, FCU shall solicit the opinion of the unit that is handling the appeal case and take into consideration the student's situation and academic circumstances; a written response, as well as specific rights and obligations related to enrollment shall be sent within seven days.

In accordance with appeals in the previous paragraph, a student who is allowed to continue his/her studies, FCU shall not issue a diploma; attendance records, performance determination, awards and disciplinary actions all follow the school regulations.

Article 14: For FCU's administrative disciplinary action, a complainant who put forward an appeal to the school and is not satisfied with the final decision may, within thirty day of receiving the arbitration committee's decision (calculated from the day after the decision is received), put forward an appeal to the MOE. Appeals are put forward through FCU; complainants must submit the arbitration committee's written decision to the MOE.

When FCU receives the written appeal, a written reply, together with any related documents, will be reported to the MOE.

For FCU's administrative disciplinary action, appeals for complainants without FCU's appeal procedure assistance who have put forward an appeal to the MOE will be moved by FCU in accordance with student appeals procedures.

Article 14-1: In addition to the punishments, measures, or decisions of an administrative disciplinary action, a complainant who put forward an appeal to the school and is not satisfied with the decision may also, according to the substance of the appeal and in accordance with the law, put forward a lawsuit and request assistance.

Article 15: For mandatory withdrawals, expulsions, or other serious disciplinary actions, appeal decisions or administrative lawsuits that are reversed, if, for any reason, the student is unable to immediately resume his/her studies, FCU shall provide guidance to assist him/her return to school; a student who is unable to return to school due to compulsory military service, FCU shall reserve his/her status. Upon military discharge, FCU shall provide priority guidance to assist him/her return to school. For the period of time that the student was absent from FCU, before resuming one's studies the student may retroactively apply for a leave of absence.

Article 16: The "Feng Chia University Guidelines for Student Appeals" shall be included in the FCU student handbook, and widely disseminated, so that students fully understand the appeal system. For appeals involving incidents of on-campus sexual assault, sexual harassment, or sexual bullying, students may apply for an investigation in accordance with Paragraph 2 of Article 28 of the "Gender Equity Education Act"; investigations shall be handled in accordance with the relevant provisions of the "Gender Equity Education Act."

Article 17: These guidelines were adopted during a university affairs meeting, ratified by the president of FCU, and promulgated. Revisions shall be handled in the same manner.

Article 18: In the event that the meaning, connotation, or interpretation expressed in these English-language guidelines differ from the original Chinese-language version, the Chinese-language version shall be taken to be correct and true.