

# CHUNG HUA UNIVERSITY

Responsible Unit : Office of Student Affairs	Students' Grievance and Review Procedures	Document Number : CA0-2-002
Announcement Date: July 7,2012		Page Number : 1

Approved at the 1st University Affairs Meeting on June 11, 1996  
Amendment approved at the 1<sup>st</sup> University Affairs Meeting on October 16, 2002  
Amendment approved at the 2<sup>nd</sup> University Affairs Meeting on June 11, 2003  
Amendment approved at the 1<sup>st</sup> University Affairs Meeting on December 21, 2005  
Authorized by Ministry of Education's Official Letter No. 0940185577 on January 5, 2006  
Amendment approved at the 1<sup>st</sup> University Affairs Meeting on December 17, 2008  
Amendment approved at the 2<sup>nd</sup> University Affairs Meeting on June 15, 2011  
Amendment approved at the 1<sup>st</sup> University Affairs Meeting on December 21, 2011  
Amendment approved at the 2<sup>nd</sup> University Affairs Meeting on June 21, 2012  
Authorized by Ministry of Education's Official Letter No. 101013167 on July 17, 2012

## I. Purpose

To protect students' rights in learning, living and receiving education, and to promote campus harmony, Chung Hua University (hereafter CHU) sets up the following Students' Grievance and Review Committee (hereafter, the Committee), in accordance with Paragraph 4 of Article 33 of the University Act, and Article 16 of the CHU Organization Regulations.

## II. Scope

Students, the Student Unions, and other autonomous student organization(s)

## III. Responsible Units

1. Office of Student Affairs: Appeal Application Window
2. Student Grievance Review Committee: Reviewing petitions

## IV. Definitions of Terms

None

## V. Contents

Article 1.

To protect students' rights in learning, living and receiving education, and to promote campus harmony, Chung Hua University (hereafter CHU) sets up the following Students' Grievance and Review Committee (hereafter, the Committee), in accordance with Paragraph 4 of Article 33 of the University Act, and Article 16 of the CHU Organization regulations.

Article 2.

There are nine to thirteen members in the Committee. Given different situations, additional experts shall be hired for consultation. The members mentioned above include one representative teacher from each college, two to six professionals from fields of medicine, laws, sociology, psychology and counseling and three student representatives (Student Association President, Student Council Chairperson and graduate school representative). Number of teachers who do not serve administrative services should not be fewer than half. Each gender should be at least one-third of the total members. Members of "Student Rewards and Punishments Committee" or personnels responsible for appraising students' rewards and punishments must not serve as the member of this Committee. The coordinator of the Committee is elected from teacher representatives. One executive secretary is appointed by the coordinator and approved by the President of CHU. Each committee meeting is valid only when at least two-thirds of members are present and any decision can be made only when at least two-thirds of present members agree. Members who can not attend a meeting shall not appoint an agency.

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## Article 3.

Students, the Student Unions, and other autonomous student organization(s) (herein after as “the complainant(s)”) may , in accordance with the Procedures, file grievance against the University’s disciplinary actions, the like resolutions or decisions, that are deemed to be illegal or inappropriate as to infringe on the complainant’s rights or interests.

## Article 4.

Students, the Student Unions, and other autonomous student organization(s), that are dissatisfied with the disciplinary actions , the like actions, or measures and resolutions against them issued by the University, should file their grievance at this Committee within ten working days upon their receipt of, or the imposition on them, the said actions, measures or resolutions. In the event in which a natural disaster or an incident not attributable to the complainant should cause a delay in filing a grievance, he or she may submit , within ten days after the said disaster or incident is over, a written explanation to the Committee to file the grievance.

## Article 5.

In the written petition, the following information should be specified: the complainant’s name, student’s ID number, department/institute, mailing address, and a contact phone number. Likewise to the facts and reasons of grievance, and the anticipated remedies. Related documents and evidence should also be enclosed. In the special cases, the complainant can orally report related details to the staff and are filed into a written form with the complainant’s signature. Anonymous petitions shall not be handled.

## Article 6.

The review of the grievances shall, in principle, proceed in closed sessions. The committee may request the presence of the complainant, the representative of the responding unit(s), and the party (ies) concerned for a testimony or an expression of views.

## Article 7.

The Committee shall finish the review process within twenty days after the day the grievance petition is received. This period may be extended if necessary, for which the complainant shall be notified. The extension can only be made once, not exceeding a span of a two-month period, but shall not be granted if the grievance involves such penalties as termination of studies and expulsion. Before a complainant is reached, the Committee can suggest a pause for the execution of the original punishment.

## Article 8.

The Committee’s decisions, voting results, and individual opinions of the members shall all remain confidential. In the cases involving student’s privacy, the complainant’s personal information should be kept secret and proper counselling should be provided accordingly.

## Article 9.

After a grievance is filed, should the complainant also file a legal appeal or enter litigation over his/her grievance or related matters, he or she shall promptly inform the University in writing, which shall in turn notify the Committee. The Committee shall pause the review and resume the process only when the pausing reasons are eliminated. This Article does not apply to such penalties as termination of studies and expulsion.

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## Article 10.

Before the grievance against termination of studies, expulsion, or the like penalties are reviewed with a decision reached by the Committee, the University shall allow the student complainant, by way of administrative power or upon his or her written request, to continue with his or her schooling. Should the student complainant's make the above written request, the University shall seek the Committee's opinion, weigh in on his or her living and learning conditions, make a reply to him or her in writing within seven (7) days, and specify therein the rights and duty pertaining to the complainant's status as student. Aside from being conferred a degree certificate, the student who continues with his or her schooling shall enjoy the same status as other enrolled students in terms of class enrollment, evaluation, awards and penalties.

## Article 11.

The petition for the same grievance can only be filed just once to this Committee by the same complainant.

## Article 12.

In reviewing a grievance petition, the Committee may, as per the approval of the Committee meeting, form an investigative team to probe the petition. This team is, in principle, comprised of three to five members. Students' grievances against sexual assault or sexual harassment on campus, if subject to the investigation of Article 28.2 of the "Gender Equality Education Act," shall be handled in accordance with the said Act.

## Article 13.

The Committee makes reviews according to the related regulations in the principles of fairness and justice. A review decision draft is made and signed by the coordinator.

## Article 14.

A written review shall contain the main body, facts, and grounds, etc. A written review that needs only to contain the main body and grounds shall also be prepared for the grievance that does not merit consideration. The latter review above shall also note, in accordance with Paragraph 1 of Article 16 or Article 17, the relief measures the complainant can take, should he or she is dissatisfied with the decision reached in the review. After it is undersigned by the Committee chair and authorized by the University President, the written review decision shall reach the complainant and the responding unit(s).

## Article 15.

When the written review decision is submitted to the President for authorization, the Committee shall also notify the original disciplinary, policy-making, or decision-making unit(s) involved as the responding unit(s). Should the unit(s) believe that the request made in the review is in conflict with extant regulations or can hardly be met, the said unit(s) shall specify in writing the concrete facts and grounds thereof and submit a statement to the President, with its carbon copy forwarded to the Committee. If the President concurs, the Committee shall reconvene for an additional review (limited to only once).

The decision reached in the written review shall, upon authorization, be followed and executed by the University. In the cases in which termination of studies, expulsion, and the like penalties are sustained by the Committee in its review, the stipulations below shall be followed:

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- (1) The last day of degree completion noted in the certificate shall be the one on which the original disciplinary action takes effect.
- (2) A certificate of course credits may be issued for the credit hours earned during the period in which the grievance is reviewed.
- (3) "The Draftee Roster of Outgoing Male Students: Termination of Grounds for Deferment in Military Service" shall be submitted to the military authorities within thirty days after the Committee's review is finalized.
- (4) Fee and tuition reimbursement shall proceed in accordance with Article 8 of the "Measures for Fee Collection from College and University Students", and Article 15 of the "Measures for the Collection of College and University Tuition and Fees."

## Article 16.

If dissatisfied with the Committee's review that sustains the administrative action against the complainant, he or she may submit through the University an appeal letter, to be enclosed with the Committee's review, to the Ministry of Education (hereafter, the MOE) for an appeal. Upon the receipt of the abovementioned appeal letter, the University shall promptly submit a written defense, enclosed with related documents, to the MOE. Should the complainant bypass the relief measures available in the University's grievance rocedures but file his or her grievance directly at the MOE over the University's administrative action against him or her, the petition shall be transferred back to the University by the MOE and handled in accordance with the Students' Grievance and Review Procedures of the University

## Article 17.

If dissatisfied with the Committee's review on the penalties, resolutions, or decisions (other than the administrative actions), the complainant may seek relief by entering litigation as per the nature of grievance and the applicable laws.

## Article 18.

After the appeal process or governmental proceedings have overruled the University's action that causes the student complainant's termination of studies, expulsion, or the like penalties, the University shall offer assistance to his or her reenrollment, should he or she fail to do so in a timely manner due to special circumstances. For a draftee already enlisted in the military service, his student status shall be reserved. And the University shall take the initiative to assist him to reenroll after he is discharged. Before his reenrollment, aleave of absence shall be officially granted.

## Article 19.

After the grievance is filed, the complainant may withdraw it before the written review of the Committee reaches the complainant.

## Article 20.

An imposter or anonymous complainant shall not be handled. Accusing falsely or slandering others shall be handled in accordance with related regulations.

## Article 21.

If a Committee member is involved in a certain complaint, he or she should withdraw on his or her accord.

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## Article 22.

If dissatisfied with the Committee's review on the penalties, resolutions, or decisions (other than the administrative actions) , the complainant may seek relief by entering litigation as per the nature of grievance and the applicable law.

## Article 23.

These Procedures are approved by the University Affairs meeting and take effect upon the authorization by the MOE, likewise to the revisions and amendments.

## VI. Related Documents

University Act and Administrative Appeal Act

## VII. Related Form

1. CHUNG UNIVERSITY STUDENT APPEAL PETITION FORM

Note: The Chinese version of the document shall prevail in case of any discrepancy or inconsistency between Chinese version and its English translation.