

# NSYSU Student Grievance Committee Formation Procedures and Administration Regulations

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- 2<sup>nd</sup> Student Affairs Meeting of 1995-Academic Year on 21-03-1996
- 1<sup>st</sup> Student Affairs Interim Meeting of 1995-Academic Year on 31-05-1996
- Title of Article Amended as "Formation Procedures" and to Be Approved by University Affairs Committee Meeting
- 4<sup>th</sup> University Affairs Committee Meeting of 1995-Academic Year on 14-06-1996
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- 1<sup>st</sup> University Affairs Committee Meeting of 2000-Academic Year on 27-10-2000
- 3<sup>rd</sup> University Affairs Committee Meeting of 2000-Academic Year on 30-03-2001
- 4<sup>th</sup> University Affairs Committee Meeting of 2000-Academic Year on 25-05-2001
- 3<sup>rd</sup> University Affairs Committee Meeting of 2001-Academic Year on 15-03-2002
- Documentary Approval from Ministry of Education on 04-04-2002
- 1<sup>st</sup> University Affairs Committee Meeting of 2003-Academic Year on 31-10-2003
- 4<sup>th</sup> University Affairs Committee Meeting of 2004-Academic Year on 03-06-2005
- Documentary Approval from Ministry of Education on 12-10-2005 for Article 19
- 1<sup>st</sup> University Affairs Committee Meeting of 2008-Academic Year on 21-11-2008
- 2<sup>nd</sup> University Affairs Committee Meeting of 2008-Academic Year on 09-01-2009
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- 2<sup>nd</sup> University Affairs Committee Meeting of 2010-Academic Year on 24-12-2010
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- 1<sup>st</sup> University Affairs Committee Meeting of 2011-Academic Year on 21-10-2011
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- 2<sup>nd</sup> University Affairs Research, Development, and Evaluation Committee Meeting of 2013-Academic Year on 06-12-2013
- 2<sup>nd</sup> University Affairs Committee Meeting of 2013-Academic Year on 20-12-2013
- Documentary Approval from Ministry of Education on 02-01-2014

## Article 1

In order to protect the rights of the students, resolve disputes, facilitate campus harmony, and maintain the function of higher education, the procedures and regulations are established in accordance with Article 33 of the University Act, the MOE Regulations Regarding the University and College, Student Grievance Process, and Article 52 of the NSYSU Organizational Regulations (the Constitution of National Sun Yat-sen University).

### Article 1-1

When a student, the NSYSU Student Association, or related student self-governing association considers that their rights or interests were violated by illegitimate or inequitable sanctions, administrative measures, or decisions made by the University, a grievance may be filed in accordance with these regulations.

A student is hereby defined as a person enrolled with the University at the instance that he/she deems illegitimate or inequitable; student self-governing association means a student self-governing group established and approved by the University (hereinafter the Self-Governing Association).

The grievance filed by the Self-Governing Association shall attach relevant documentary evidence and must be approved by the association's (Club) Members' Congress.

## Article 2

The Student Grievance Committee (hereinafter the Committee) shall consist of 14 members, comprising:

1. Seven Faculty Representatives: Each college shall appoint one faculty member without an administrative role as the representative.
  2. Four Student Representatives: The Self-Governing Associations shall elect four student representatives; there shall be at least one undergraduate student and one graduate student.
  3. One Professional Law Expert: The legal advisor of the University.
  4. One Professional Counsellor: Recommended by the Counselling and Career Development Division of the Office of Student Affairs.
  5. One Professional Expert of Education: Recommended by the Institute of Education.
- The participants of the Student Affairs Meeting or the staff in charge of Student

Commendation & Disciplinary Sanction evaluations and investigations shall not be listed as members of the Committee. Representatives of either sex shall take up a third or more of all numbers of the Committee. Related professionals, scholars, or counselors may be invited to the meeting based on the needs of each grievance.

#### Article 3

All committee members are positions without remuneration and are appointed by the President with a term of one year. If a member quits during the term, the original nominating/electing organization must appoint another representative.

#### Article 4

The chair of the Committee is elected among the members for a term of one year and may be reelected and reappointed. The chair is the convener of the meeting; the first meeting of each term shall be convened by the President. The chair is entitled to convene interim meetings based on the needs or with the petition request from three or more members.

#### Article 5

The Office of Student Affairs is responsible for the administrative affairs of the Committee; the funding for the Committee shall be supported by the Education Training Fund of the Office of Student Affairs.

#### Article 6

A meeting of the Committee shall not commence without a quorum of half of its members. A favorable vote of at least two-thirds of the committee member is required for passing the Grievance Decision Letter; at least half of the committee member is required for passing other decisions. If a member cannot attend the meeting, he/she may not appoint a proxy. However, counselors and law experts who are unable to attend the meeting may appoint a proxy of the same professional background.

#### Article 7

Before the initiation of a Grievance Review, the complainant may apply for interest avoidance for committee members who are considered to be interested parties. Committee members who deem themselves as interested parties shall also apply for avoidance. The approval of the application shall be decided by the Committee.

#### Article 8

Grievances in the form of petitions, suggestions, reporting of concerns, and other cases of expressing opinions that are not eligible for filing Grievances shall not be subject to these regulations. The Committee shall refute the applications through written documentation and may suggest other suitable methods of resolution.

A Grievance involving a sexual offense, harassment or bullying that requires an investigation as defined in the second paragraph of Article 28 of the Gender Equity Education Act shall be processed and transferred to the NSYSU Gender Equity Education Committee in accordance with the Act.

#### Article 8-1

Should the student Grievance be expressing opinions, expectations of change, or requests, the student shall advise them directly to the parties, department, or offices of interest, and thus avoiding any futile administrative efforts and discussions and the gap in expectation.

#### Article 9

The Student is entitled to file Grievance orally or with a written application within 30 days from the next day of being notified of student life or academic commendation or

disciplinary sanction. The Self-Governing Association shall also be entitled to file Grievance orally or with a written application within thirty days of being notified of sanctions or other measures from the University.

Grievances filed orally shall be followed-up with formal written applications within 7 days in accordance with Paragraph 3 of Article 10.

Grievances filed by the Self-Governing Association shall be approved by the association's (Club) Members' Congress and shall attach relevant documentary evidence.

Late Grievances shall not be processed by the Committee. However, if a Grievance is late due to unforeseen or unavoidable circumstances, the complainant is entitled to request for processing of the late Grievance within 10 days upon the termination of the circumstance with a written explanation of the circumstance. Should the late Grievance be over 1 year, it shall not be accepted to be processed.

Under extremely special circumstances where the late Grievance shall be resolved for equity reasons, the Committee shall suggest remedial measures.

#### Article 10

The complainant must complete the application form with the following information and verify the information by signing the application form. Relevant documentary evidence shall be attached.

1. The complainant's name, date of birth, personal ID card number, contact telephone number, residential address, department (institute), grade (year of study), and student ID card number
2. Original party (department/institute/office) issuing the outcome of resolution or sanction
3. Description of the Instance and Rationale for Grievance
4. Remedial Resolutions Expected
5. Relevant Documentary Evidence

Should the NSYSU Student Association or the Self-Governing Association file a Grievance, the Association shall elect at most three representatives with formal appointment letters.

Should the application fail to adhere to the regulations, the complainant shall be notified to revise, correct or provide supplementary documents within 7 days. Late corrections shall not be accepted and the Committee shall directly review the Grievance according to the incomplete application.

#### Article 10-1

The same case may be filed only once by the student, NSYSU Student Association, or other student self-governing associations.

The complainant is entitled to withdraw all or part of the Grievance before the Grievance Decision Letter is made by the Committee; if the case is withdrawn by the complainant, the same Grievance may not be filed again.

#### Article 11

Should a petition or lawsuit (civil, criminal, or administrative) be filed by the complainant on the issue or related incidents of the Grievance in the course of processing the Grievance, the Committee should be instantly informed with a written notice.

Upon receipt of the notice, the Committee should cease to review the Grievance. At the written request of the complainant after the termination of the petition or lawsuit, the Committee shall continue to review the Grievance and send a written notice to the complainant. A Grievance against an order of dropout or expulsion from the University is not subject to this regulation.

#### Article 12

The Committee will review the written appeal documents in a closed meeting with

show-cause notice to the complainant, relevant school officials and parties.

All procedures including the advice and decisions of the committee members shall be confidential. The basic information of the complainant must also be confidential if the case involves student privacy.

#### Article 13

The Committee shall provide a copy of the Grievance form and relevant documents and request the original party issuing the outcome of resolution or sanction (hereinafter the Original Party) for justification of action within 3 days from the next day of receiving an application.

The Original Party shall disclose a statement with relevant documents to the Committee within 7 days from the next day of receiving the request. However, if the Original Party finds the Grievance reasonable, the original outcome or sanction may be directly changed or withdrawn; the Original Party shall inform the Committee of the withdrawal or change with official documents.

If the Original Party does not make a statement within the deadline, the Committee shall directly process the review.

#### Article 14

The decision of the Grievance shall be completed within 30 days from the next day of the receipt of the application unless in case of the ceasing of review, which shall directly notify the complainant and original party issuing the outcome or sanction. The Grievance Decision Letter shall be delivered to the complainant within 15 days of the decision. The review of the Grievance may be extended once if necessary; the duration of the extension shall not exceed two months. The complainant shall be notified of the extension. Cases involving an order of dropout or expulsion from the University may not be extended.

If the application needs to be corrected in accordance with Article 10, the course of the review shall be initiated from the next day of the receipt of the corrected application. If the review process ceased in accordance with Article 11, the course shall be reinitiated upon the continuation of review.

#### Article 14-1

Before the review of the Committee on a Grievance against an order of dropout or expulsion from school is finalized, the student concerned is entitled to make a written request to maintain matriculation in order to continue to study incomplete courses at the University.

Upon receipt of the request, the school shall consult the Committee with an assessment on the living and study status of the student, and make a written response specifying the rights and obligations of the student within 7 days. A student receiving approval from the school upon an appeal for continued study of the incomplete courses shall not be granted a certificate of graduation, but shall be treated academically (with regard to grades) and administratively (with regard to commendation and disciplinary sanctions) as an enrolled student.

#### Article 15

If the need for a confidential investigation should arise, an "investigation team" consisting of 3-5 committee members shall be established upon the approval of the Committee.

#### Article 16

The Committee shall review and establish a tentative decision of resolution and draft the Grievance Decision Letter, then discuss for approval. The final Grievance Decision Letter shall be signature approved by the chair of the Committee.

#### Article 17

A Grievance Decision Letter shall contain the main body, an account of facts, and a statement of reasons. A remedial measure, if applicable, should be concretely stated. A Grievance that is rejected by the Committee shall also receive a Grievance Decision Letter containing the main body and a statement of reasons. The Grievance Decision Letter shall also indicate the action or measures for students who do not agree with the decision in accordance with Article 20 or Article 21.

#### Article 18

Under the organization and affiliation of the Committee, the Grievance Decision Letter shall be sent to the complainant and the Original Party after being approved by the president of the University.

Should the Original Party consider the decision to be against existing regulations or be impossible to realize, the Original Party shall provide a written statement of relevant facts and explanations to the president and inform the Committee within 10 days upon receiving the letter. Should the president find the statement of the Original Party reasonable, the case may be reappraised once by the Committee.

The decision shall be accepted by the complainant; should the complainant disagree with the decision, he/she may state new evidence and apply for an appeal within 10 days upon receiving the Grievance Decision Letter. Each case of Grievance shall only be appealed once.

If in a special situation, the complainant or the Original Party cannot state the facts and rationales before the deadline, the time for appeal and reappraisal may be extended.

The finalized decision in the Grievance Decision Letter shall be executed by relevant parties in the University.

#### Article 19

A complainant whose order of dropout or expulsion is upheld by the Committee shall have his/her matriculation processed as follows:

1. The certificate of study shall bear the date of the decision as the final date of the study.
2. A certificate of credits completed during the course of Grievance review shall be issued.

A complainant whose order of dropout or expulsion is upheld by the Committee shall have his/her military draft or refund processed with as follows:

1. A draftee shall be listed as an outgoing student who is no longer entitled to deferred conscription within 30 days of the finalized decision of the Committee.
1. A tuition refund shall be processed in accordance with Article 15 of the Tuition Fee Regulations for Junior Colleges and Institutions of Higher Education and Article 8 of the Student Fee Regulations for Junior Colleges and Institutions of Higher Education.

#### Article 19-1

A remedial resolution of re-enrollment or other sanctions as a decision of Grievance review or an administrative lawsuit shall be administered as follows:

If the student cannot resume studies on time due to special situations, the University shall advise and assist him/her return to study; for the draftee who has already started his military duty, the University shall retain his status as a student and help him return to studies after retirement.

With the remedial resolution of re-enrollment or other sanctions as a decision of Grievance review, the expulsion procedures of the student shall be canceled in accordance with administrative regulations of the University.

#### Article 20

Should the complainant file a Grievance against the University regarding the administrative decisions, and disagree with the Committee's grievance decision, the complainant is entitled to file an application for appeal with the Grievance Decision Letter attached. The application for appeal shall be filed within 30 days from the next day of the complainant's receipt of the Grievance Decision Letter. The appeal will be sent to the Ministry of Education after it with review and written defense by the University.

#### Article 21

Should the complainant file a Grievance against the University regarding disciplinary measure outside of the administrative decisions, or some other university measure or decision, and disagree with the Committee's grievance decision, depending on the particular nature of what is being grieved against, the complainant may initiate the proceedings available under the law to seek a remedy.

#### Article 22

The processing of the student Grievances by the Committee shall adhere to these regulations, the Administration Appeal Act and relevant regulations.

#### Article 23

These measures should be practiced after being passed by the University Affairs Committee Meeting and approved by the Ministry of Education. The same procedure shall apply to future revisions or amendments.