

National Dong Hwa University Student Appealing Measure

Filed for reference with Ministry of Education under (84)Tai Shun-037786 Aug. 02, 1995
Amended in 88th School Year 1st Student Affairs Committee Meeting on Sept.10, 1999
Amended in 92nd School Year 1st Student Affairs Committee Meeting on Nov. 11, 2003
Amended in 92nd School Year 3rd Student Affairs Committee Meeting on April 20, 2004
Amended in 93rd School Year 2nd Student Affairs Committee Meeting on Mar. 11, 2005
Amended in 93rd School Year 4th Student Affairs Committee Meeting on May 10, 2005
Amended in 94th School Year 2th Student Affairs Committee Meeting on April 20, 2006
Amended in 94th School Year 1st School Affair Meeting of 2nd Semester on May 17, 2006
Amended in 100th School Year 1st School Affair Meeting of 1st Semester on Dec. 14, 2011
Approved by Ministry of Education per Tai Shun (1)-1010007941 on Jan. 16, 2012

Clause 1 According to the provisions under Paragraph 4, Clause 33 of University Act and Clause 37 of Organization Charter of Dong Hwa University, the University shall establish Student Appealing System to protect the rights and interests of students and assist students in solving issues in the respect of studying, living and rewarding / punishment.

Clause 2 Followed the principle of justice and fairness, the purpose of the Measure is to handle the matters of students in learning, living and rewarding / punishment in the school and maintain students' legal rights and interests to enhance the effect of education.

Clause 3 1.Subject of the Appeal

- 1) Student, Students Association and other autonomy organizations of students may file appeal with the School in accordance with the Appealing Measure (Guideline) when the disposition made by school affecting their educational right.
- 2) The definition of above mentioned students shall be the one who has the status of student (included the student in suspension) when the school makes disposition.
- 3) When the appeal is filed by multiple students, 3 or less of them shall be elected to be the representatives of the appeal who shall have been given with Power of Attorney of Representative.

2. Scope of the Appeal: Student of the university may file appeal when the disposition taken by the university related to educational right / interests believed to be inappropriate or violate provision, or the disciplinary action, other measures or resolution is not accepted and no normal administrative procedure pursued resulted in satisfactory resolution.

Clause 4 Organizations under the Measure are as below:

- 1.To handle the appeals of student, Student Appeals Review Board (the Board) shall be established which comprises of 7 to 9 members recommended by Office of Student Affairs for Headmaster to select and retain. Among them teacher member without administration office shall be no less than 1/2 of total members and any gender shall be more than 1/3 of the total and the convener shall be elected by board members.
- 2.Member of the Review Board are non-remunerated. In addition to above mentioned teacher

member without administration office, there shall be specialists with the background of law, education, special education, psychologist and student representative. All members shall be elected and assigned by Headmaster.

3. Appeal Center: An organization set up in the team of Life Supporting, Office of Student Affairs and is responsible to accept appeal and convene of Review Meeting as well as the handling and distribution of written data.

Clause 5 Appeal and Handling Procedures are given below:

1. An appealing subject who is not satisfied with the disposition made by school in respect of personal right and interest or other resolution may claim to Appeal Center, but the same case may appeal only once.
2. Appealing subject shall appeal in writing within 10 days from the date first with knowledge of the disposition/resolution or the next day from the resolution (20 days for students with special education) and failing the above period will basically not be attended. However, when an appealing subject exceeded the above period resulted from force majeure event, petition may be made to Appeal Review Board with the reason for extension and the Review Board may decide whether accept or not after reviewing the reason.
3. Student name, student ID, department, address of the appellant, the facts and reasons for appealing, expected remedies shall be stated on written appeal and accompanied with related document and evidence. The format of Appeal is attached. (Available from Living Assistance Team)
4. When the Appeal exceeds applicable extent, the handling unit shall notify the appellant in writing that the case is dismissed and suggest handling manner. (Such as legal, social, governmental and other competent unit.)
5. Student Appeal Review Board shall meet once a month, but no meeting if there is no appeal; however, for emergency, provisional meeting may be called pursuant to period provided under Item 13 of the present clause.
6. Student Appeal Review Board shall review documentary data in confidentiality but may notify appellant, original unit of disposition (representative) and related person to make presentation. The reason and data during the reviewing course shall be maintained strictly confidential.
7. Appellant may withdraw appeal before the Student Appeal Review Board completes the Review Decision.
8. If any of the appellant, original unit of disposition (representative) or other interested party files appeal, civil, criminal or administrative suit for the appealed case or related matters during the appealing procedure, written notice shall be given to Student Appeal Review Board immediately. Board shall suspended the review after having knowledge of the above and may continue only after the finalization of the litigation.
9. Except the case of denying the acceptance or suspension of review, where the appellant and the original action taking unit shall be notified forthwith, the Board shall come up with Review Decision within 10 days after resolving, which shall be carefully reviewed pursuant to related provisions of the School. Before coming up with a Review Decision, Review Board

may suggest suspending the performance of the action applying on appellant.

10. Remedies to the Decision of Appeal Review Board (Channels of Relief)

- 1) Review Decision shall be signed by convener of Appeal Review Board and filed with Headmaster and release to appeal subject and the original action taking unit (representative). Should the appeal subject is not satisfied with the Decision, a written appeal may be filed again with newly discovered evidence within 10 days counting from the next day of service of the Decision; however, re-appeal is allowed once for each case.
 - 2) If the Decision made after the Re-Appeal is not satisfactory to the appeal subject, appeal may be filed with Ministry of Education within 30 days counting from the next day of service of Decision. Such appeal shall be accompanied with the Review Decision of the School
 - 3) Or, without going through re-appeal, appeal may be filed with Ministry of Education within 30 days counting from the next day of service of Board Decision, which shall be accompanied with Review Decision of the School.
 - 4) The remedial measures (Relief Channel) shall be stated clearly in the Appeal Review Decision: The Review Decision made for appeal against administrative action shall state also "If the Decision of the present appeal is found not satisfactory, appeal may be filed with Ministry of Education within 30 days counting from the next day of the service of Board Decision of the School and in such appeal, the Review Decision of the School shall be accompanied." and relief may be requested through legal process basis the nature of the case. For non-administrative action, the Appeal Review Decision shall indicate: "If the Review Decision of the school is found unsatisfactory, re-appeal may be filed with the Appeal Center within 10 days counting from next day of service of Review Decision, but for same case re-appeal may be filed only once.; or file appeal with Ministry of Education within 30 days counting from the next day of service of the Decision and when filing the appeal, the Review Decision of the School shall be attached; or, law suit may be filed for relief basis the nature of the case after service of the review decision.
11. Appeal Review Board meeting shall have attendance of more than 2/3 board members and the decision may be made with the consent of more than 1/2 of attending members.
12. When conflict of interest existed with board meeting convener or any member, deputy may be appointed by Headmaster to act on behalf.
13. Time Limit for Review of Appeal: Appeal Center shall complete review within 20 days from the next day of service of appeal and when it is necessary, it may be extended, for which, the Appellant shall be notified. The extension is limited to one time and in no case shall be longer than 2 months; however, the case involved with dismissal, repel from school or similar action, no appeal shall be allowed. Appeal Center shall copy the appeal to the original unit of disposition and related reply and supporting document to appeal shall be delivered to Appeal Review Board within 10 days from the next day upon receipt of the copy of appeal. The original unit of disposition may revoke or revise the disposition when the appeal is accepted. Appeal Center shall notify the appellant the revocation or revision of the original unit of disposition within 10 days.

14. If the appeal needs investigation or conducting site survey, with the resolution of Appeal Review Board 3 to 5 members of the board shall be dispatched to form Investigation Team. When an appeal is involved with Sex Abuse or Sex Harassment, it shall be reviewed by Gender Equality Education Committee of the School.
15. Appeal for dismissal or repel, before a decision is finalized by review board, subject student may file request with the school for continuing the study in the school. After receiving the above mentioned request, the school shall consult with Appeal Review Board and survey the living and learning conditions of the subject student. Written report of survey shall be replied within one week and the right and obligations related to the student registration shall be stated.
16. Student approved to continue study in the school per request as above, in addition to being restricted from issuing diploma, course study, performance appraisal and award and reprimand shall be same as other normal students.
17. Decision of Review Board shall contain Summary, Fact and Reason and Review Report shall be made for appeal dismissed but only giving the summary and reason.
18. Appeal filed with Ministry of Education without going through the appealing path of the school will be rerouted by Ministry of Education to the school to follow the Student Appealing Procedure.
19. Assistance for Appellant awarded with Relief in Appealing or Administrative Litigation:
 - 1) Student awarded with other action through appealing or judgment in administrative litigation and granted with resumption of the study, the school shall assist same if such student is kept from resuming the study for special incident. For student drafted to serve military obligation, the student registration shall be maintained for resuming the study after discharge from military service and the student may be allowed to make post arrangement of suspension for the period dismissed.
 - 2) Student awarded in appeal review decision or administrative litigation with other action and resumption of study is offered, the school shall complete the cancellation procedure for dismissal as established by the school.
 - 3) Student awarded in appeal review decision or administrative litigation with other action the school shall dispose it legitimately or revoke the original action as provided.

Clause 6 General Requirements

1. When Review Decision is made and submitted to Headmaster for approval, related copy shall be sent to the original unit of disposition. In the event, the original unit of disposition believes it is contracting law or regulation or impractical or not feasible, facts and reasons shall be submitted to the Headmaster and sent copy to Appeal Review Board. If the reason is taken and supported by the Headmaster, the Headmaster shall pass to the Appeal Review Board for further review, however, the further review shall be limited to one time. When Review Decision is completed by administration procedure, all related units of the school shall accept and implement same.
When an appeal against dismissal is resolved by Appeal Review Board to be maintained:

The ending date of study to be stated on the Certificate of Study shall be the date of original disposition.

- 1) Pursuant to the provision under Clause 34 of School Rules, if the result of review sustains the original disposition, the courses taken and the credit earned may be issued with Credit Certificate.
- 2) The List of Severed Students with Cause to Suspend and Diminish Military Call shall be reported within 30 days after finalization of the appeal.
- 3) Refund The currently effective “College Student Dismissal / Suspension Refund Standard shall be followed.
2. Any school administration head related to the case is unable to participate Appeal Review Board, a deputy related to the issue may be appointed to attend.
3. Cost and expenses of the Appeal Review Board shall be budgeted by Office of Student Affairs and the staff shall be assigned by Office of Student Affairs.

Clause 7 The Measure shall be enforced after being resolved by School Affair Meeting and approved by Ministry of Education. The same apply in amendment.