

# Kaohsiung Medical University (KMU)

## Student Appeal Guidelines

Approved in accordance with letter ref. Tai (84) Zi No. 020650 of Ministry of Education dated May 5, 1995.

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Amended in accordance with letter ref. Tai (86) Xun (Yi) No. 86051423 of Ministry of Education dated May 12, 1997.

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Amended in accordance with the comments in letter ref. Tai Xun (2) No. 0950105969 of Ministry of Education dated Jul. 28, 2006.

Approved in accordance with letter ref. Tai Xun (2) No. 0950119328 of Ministry of Education dated Aug. 14, 2006.

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Resolution passed in the 3<sup>rd</sup> university affairs meeting of academic year 2007 on Jan. 23, 2008.

Approved in accordance with letter ref. Tai Xun (2) No. 0970029900 of Ministry of Education dated Feb. 27, 2008.

Announced in letter ref. KMU Mi Zi No. 0971100952 dated Mar. 3, 2008.

Resolution passed at the joint meeting comprising the 4<sup>th</sup> university affairs meeting and the 11<sup>th</sup> administrative meeting of academic year 2008 on Jun. 29, 2009.

Approved in accordance with letter ref. Tai Xun (1) No. 0980128916 of Ministry of Education dated Aug. 4, 2009.

Announced in letter ref. KMU Mi Zi No. 0980005683 dated Aug. 10, 2009.

Resolution passed at the joint meeting comprising the 1<sup>st</sup> university affairs meeting and the 3<sup>rd</sup> administrative meeting of academic year 2011 on Oct. 20, 2011.

Amended in accordance with the comments in letter ref. Tai Xun (1) No. 1000215971 of Ministry of Education dated Dec. 1, 2011.

Resolution passed in the 1<sup>st</sup> interim university affairs meeting of academic year 2011 on Dec. 23, 2011.

Amended in accordance with the comments in letter ref. Tai Xun (1) No. 1010000426 of Ministry of Education dated Jan. 6, 2012.

Approved in accordance with letter ref. Tai Xun (1) No. 1010010657 of Ministry of Education dated Jan. 19, 2012.

Announced in letter ref. KMU Mi Zi No. 1011100254 dated Feb. 2, 2011.

Resolution passed in the 3<sup>rd</sup> university affairs meeting of academic year 2011 on Apr. 11, 2013.

Approved in accordance with in letter ref. Tai Jiao Xue (2) No. 1020060748 of Ministry of Education dated Apr. 26, 2013.

Announced in letter ref. KMU Mi Zi No. 1021101356 dated May 3, 2013.

Resolution passed in the 6<sup>th</sup> university affairs meeting of academic year 2014 on Jul. 23, 2015.

Approved in accordance with in letter ref. Tai Jiao Xue (2) No. 1040113217 of Ministry of Education dated Aug. 28, 2015.

Announced in letter ref. KMU Mi Zi No. 1041102965 dated Sep.8, 2015.

Article 1 To protect the learning, living and educational rights and interests of students, and enhance the harmony of the campus, KMU formulates these Guidelines in accordance with Article 33 of University Act and Article 23 of Organization Regulations of KMU.

Article 2 Should a student, Student Union and other related self-governing student organization (simply referred to as “the appellant,” hereinafter) thinks any punishment, measure or resolution of KMU illegal or improper which thus harming the rights and benefits of the one concerned, the appellant shall submit an appeal to Student Appeals Review Committee (simply referred to as “Review Committee,” hereinafter) of KMU in accordance with these Guidelines.  
The student aforesaid refers to those who possess studentship of KMU when being

punished, or treated by other measure or resolution.

Article 3 The appeal submitted in accordance with these Guidelines shall be dealt with by the Executive Secretary of Review Committee.  
The Executive Secretary aforesaid should be responsible for the related administrative operation of Review Committee.

Article 4 Formation of Review Committee is in accordance with the following regulations:

1. There are 11 committee members selected by the President. There must be representatives of KMU Student Union to act as the committee members. The number of teachers not taking administrative duties shall not be less than half of total number of committee members. The total committee members of any single sex should be above one-third of the total number of committee members.
2. There should be scholars and experts in law, education and psychology to act as the committee members. As the requirement of appeal cases, the committee should be selected for specialists with experiences of international students' tutoring or of human resource regulations.
3. The committee members of Student Reward and Punishment Committee, or those being responsible for determination and investigation of the rewards and punishments of students shall not act as the committee members of Review Committee.

The term of office of the committee members aforesaid is one year, which can be extended upon expiration.

Attendance fee and transportation fee have to be provided to external committee members for attending the meeting of Review Committee, and such payment shall be in accordance with the related regulations of KMU.

Meetings of Review Committee shall be held by the President. In each meeting held each time, a committee member shall be mutually selected by other committee members to act as the chairperson of the meeting.

When a meeting of Review Committee is held, two-thirds of the committee members should attend the meeting. Except the resolution of review letter that should be agreed by two-thirds of the attending committee members, resolutions of all other items should be agreed by half of the attending committee members.

If the appellant thinks that a committee member of Review Committee has any interests that relate to the case of appeal, the appellant shall apply for withdrawal of the committee member from the case; or the application aforesaid shall be resolved by Review Committee. If a committee member of Review Committee has participated in consideration of the appellant's case, the member should actively withdraw himself/herself from the case.

Article 5 Appellant shall be allowed to submit an appeal to KMU for the same case for one time only.

Article 6 The appellant, if dissatisfied with the punishment, other measure or resolution by KMU, should submit a written appeal to Review Committee within 10 days from the next day after receipt or acceptance of the related punishment, measure or resolution. Should the appellant delay submission of appeal within the appeal period aforesaid due to natural disaster or other force majeure causes, the appellant shall submit a written explanation of the cause aforesaid to Review Committee of KMU, together with an application for acceptance of appeal, within ten days after elimination of the cause. But if such delay exceeds the specified appeal period for more than one year, the appeal shall not be dealt with.

- Article 7 Review should be completed by KMU within 30 days from the next day after receipt of the appeal letter. If necessary, the review period needs to be extended, and the appellant should be subsequently informed. Such extension can be made once only, and shall not exceed two months. But extension of review period shall not be offered for appeals involving expulsion, cancellation of studentship or similar punishment.
- Article 8 Submission of an appeal should be made in an appeal letter, which should be clearly stated with the following items:
1. Name, sex, Department (Graduate Institute), year, address, telephone number of the appellant.
  2. Reason and concrete facts of the appeal. Related documents and evidences should be attached.
  3. The original disciplinary unit and the related person(s).
  4. Signature or seal of the appellant.
  5. Day, month and year for completing the appeal letter.
- If thinking that the appeal letter does not meet the requirements, and more data should be given, Review Committee should inform the appellant to provide more data within 7 days. Such pending period should be deducted from the review period.
- Article 9 After KMU deals with an appeal, resolution has to be made by Review Committee, and an investigation team should be established for investigation. The investigation team is formed by 3 to 5 persons, who shall be selected and hired by the President.
- Article 10 Even if an appeal is submitted, the appellant can still withdraw the appeal before the review report reaches the appellant.
- Article 11 After an appeal is submitted, if the appellant files a formal appeal or lawsuit for the case of appeal or its involved items, a written notice should be submitted to KMU for transmitting the news to Review Committee.
- Based on the notice aforesaid or the situation aforesaid known for the power obtained, Review Committee should cease reviewing the appeal, and notify the appellant in writing of the cessation. After the cause of cessation is eliminated and the appellant has made a request in writing, Review Committee shall continue reviewing the appeal, and notify the appellant in writing of the continuation. Should all or part of the review decision of the appeal be based on whether is there legal relation of the formal appeal or lawsuit established, Review Committee shall cease reviewing the appeal before termination of the formal appeal or lawsuit proceedings, and notify the appellant in writing of the cessation. After the cause of cessation is eliminated, Review Committee shall continue reviewing the appeal, and notify the appellant in writing of the continuation.
- The two restrictions aforesaid are inapplicable to the appeals involving expulsion, cancellation of studentship or similar punishment.
- Article 12 The review of appeal is based on the principle that it is not publicized. The appellant, representative of the original unit and the interested parties shall be notified of the review of the appeal, and asked to arrive at the review meeting to give explanation or make comments.
- Article 13 The review, voting and viewpoints of the committee members of Review Committee should be kept confidential.

- Article 14 For appeals involving expulsion, cancellation of studentship or similar punishment, before confirmation of a review decision, KMU shall make the student concerned keep on discontinuing schooling at KMU based on the power of KMU or a written application from the student concerned.  
After receipt of the student's application aforesaid, KMU shall consult with Review Committee for their viewpoints, consider the living and learning situations of the student, and sent to the student a written reply within 7 days, with the student's rights and obligations for his/her studentship clearly stated.
- Article 15 For the student agreed by KMU to discontinue his/her schooling in accordance with the appeal aforesaid, KMU shall not confer certificate of graduation to this student. Besides, his/her courses completion, assessment of results, reward and punishment shall be handled in the same way to a student of KMU.
- Article 16 The review report should be clearly stated with the following items:
1. Name, sex, Department (Graduate Institute), year, address, telephone number of the appellant.
  2. Main text, facts and reasons.
  3. Any appeal not accepted should also be attached with a review report, but its contents shall contain the main text and reasons only.
  4. The review decision report should be recorded with the relief method for any dissatisfaction with the review decision for the appeal in accordance with Article 19 herein.
  5. Day, month and year for completing the review report.
  6. Signatures of the attended committee members of Review Committee.
- The review report should be mainly provided in Chinese. If the appeal case is related to international students, the review report should be provided in both Chinese and English.
- Article 17 The review decision report should be firstly approved by the President, and then delivered to the appellant. Upon the President's approval of the review decision report, the original unit giving the punishment, measure or resolution should be notified of the decision.  
Should the original unit giving the punishment, measure or resolution think the decision contravening the laws and making the enforcement of laws difficult, the unit should submit a written explanation with concrete facts and reasons to the President and c.c. to Review Committee within 10 days. Should it be thought reasonable, the President shall transfer the appeal to Review Committee for reviewing it again. Such a double review shall be made once only.
- Article 18 After the review decision is approved, KMU should execute according to the review decision. For appeals involving cancellation of studentship or similar punishment, if review is confirmed and the original punishment should be remained, related procedures shall be carried out in accordance with the following regulations:
1. The last day of study period shown on the Certificate of Enrollment and Studies should be the date of original punishment.
  2. For the credits of courses taken during the appeal period, the appellant should be issued with a Certificate of Course Credits Obtained.
  3. Within 30 days after the result of appeal is confirmed, the name of any appellant being a draftee shall be added to "List of KMU Leavers with Cause of Deferred Military Service Eliminated."
  4. The tuition refund standard shall be in accordance with Article 8 of College and

University Fees Collection Procedure and Article 15 of College and University Tuition and Miscellaneous Fees Collection Procedure.

- Article 19 Should an appellant be dissatisfied with KMU's decision for his/her appeal against KMU's administrative punishment, the student can submit a formal appeal letter to Review Committee within 30 days after the next day of receipt of the review report. The written appeal letter should be attached with the review decision report, and submitted to the Ministry of Education via KMU. Upon receipt of the appeal letter aforesaid, KMU should attach a written defense to the appeal, together with the necessary relevant documents, and submit all these documents to the Ministry of Education as soon as possible. If an appellant does not go through the relief step of KMU's appeal procedure, but directly submit to the Ministry of Education an appeal letter against KMU's administrative punishment to him/her, the Ministry of Education has to transfer the case of appeal to KMU, which shall deal with it in accordance with student appeal procedure. Should an appellant be dissatisfied with KMU's decision for his/her appeal against KMU's any punishment, other measure or resolution other than administrative punishment, the student can file a lawsuit and ask for relief based on its nature and in accordance with laws.
- Article 20 If the appeal decision or the judgment of administrative proceedings requests KMU to withdraw the original expulsion, cancellation of studentship or similar punishment, and the appellant fails to resume studies on time for special reasons, then KMU should assist the student in resumption of studies. For the draftee having gone to barracks for military service and failing to resume studies, KMU should retain his studentship. Upon discharge of his military service, KMU should assist him in resumption of studies first. For the period of his absence from KMU before resumption of studies, the student concerned shall re-apply for suspension of studies.
- Article 21 Student appeal system belongs to the nature of rights and interests relief. The initiation of an appeal should be on the premise that the rights and interests of the appellant are damaged. The related information should be added to Student Handbook and spread widely so as for students know this function. Students' petitions, suggestions, accusation and opinions expressed in other ways shall have other guidelines additionally specified. Students' appeals initiated for sexual abuse, sexual harassment or sexual bullying belong to the nature of investigation to be applied under Section 2, Article 28 of Gender Equity Education Act, and should be dealt with in accordance with the related regulations of Gender Equity Education Act.
- Article 22 After the related resolution is passed at the university affairs meeting, and the Guidelines are **submitted** to and subsequently approved by the Ministry of Education, these Guidelines are implemented from the date of announcement. Any amendments to the Guidelines shall also be processed in the same way.