

## **Cheng Shiu University Regulations for Establishment of Student Complaint Committee and Procedure for Handling Student Complaint**

**Article 1** Cheng Shiu University (hereinafter the "School") has established these regulations in accordance with Paragraph 4, Article 33 of the University Act, the Principles for Handling Complaints by University and Professional College Students promulgated by the Ministry of Education and Paragraph 3, Article 17 of the Organizational Charter of the University in order to handle matters related to students' studies, learning and living assistance in a fair manner; provide an objective and fair compliance model for complaint procedure and handling principles, to ensure the legal interest of the students or student associations and other relevant student self-governing organizations and to promote campus harmony.

**Article 2** The University has established a Student Complaint Review Committee (hereinafter the "Committee") in accordance with these regulations in order to handle complaints filed by students, student associations and other relevant student self-governing organizations (hereinafter the "Complainant").

The students referred to in the previous paragraph mean persons registered as students of the University at the time when sanctions, other measures or resolutions are imposed. The Committee shall be organized, operated and hold meetings in accordance with the following terms:

1. The Committee shall be composed of a total of 13 members, including 3 members representing the students of the University, 8 members representing the teachers of the University and 2 independent members from the society. At least half of all members shall be teachers who do not perform administrative duties. Each gender shall be represented by at least one-third of all members.
2. The 3 student representatives shall be appointed by the student self-governing association. The names of the elected candidates as student representatives shall be submitted to the Student Affairs Department for records.
3. Each college of the University shall appoint 5 representatives from the position of lecturers (inclusive) and above, among which 8 shall be selected by the Principal of the University to become members of the Committee. However, the members of the Student Reward and Discipline Review Committee, members of the Student Affairs Committee and any person responsible for making decisions or engaging in investigations about student disciplinary sanctions shall be excluded from becoming a member of the Committee.
4. Independent representatives from the society shall be selected by the Principal of the University from among professionals in the medical, legal, sociology, psychological counseling and educational fields.
5. Members of the committee shall be issued a member engagement letter by the Student Counseling Center following submission to the Principal

of the University. No remuneration shall be paid to the members. However, a reasonable attendance fee may be issued when a member from outside the University attends a meeting. The term of student representatives shall be one year in accordance with the re-election of student self-governing cadres of the University. The term of the other members shall be two years.

6. A chairman shall be elected by the members from among themselves. The chairman shall be responsible for holding and chairing the meetings and signing the decisions of the Committee. The chairman may also participate in meetings of the Student Reward and Discipline Review Committee.
7. The quorum for a meeting to discuss a complaint case is two-third (inclusive) or more of all members. Any resolution about the discussion or decision shall be approved by two-third (inclusive) or more of all attending members. No absent member shall be represented by a proxy in the meeting. However, an independent member of the society may designate a proxy with the same professional background.
8. The Committee shall establish a Procedural Review Team, to be composed by 5 persons to be elected by the members of the Committee from among themselves. The chairman of the Committee shall be an automatic member and the chairman of the Procedural Review Team. The Procedural Review Team shall review the procedure of complaint cases and shall determine whether a complaint should be processed.
9. The activities of the Committee shall be handled by the Student Counseling Center. The director and executive secretary of the Student Counseling Center may attend the Committee member meetings and shall be responsible for handling documents related to complaint cases. The funding required by the Committee shall be budgeted by the Student Affairs Department.
10. In case of a complaint filed against a member of the Committee, such member shall withdraw from all procedures for such complaint case.

In case of a complaint filed against the chairman of the Committee, the chairman shall withdraw from all procedures for such complaint case. The Procedural Review Team shall elect one person from among themselves to act as the chairman, to chair the meetings and to sign the decision on behalf of the chairman.

**Article 3** If any student, student association or any other relevant student self-governing organization of the University deems that any disciplinary sanction, other measure or resolution by the University is illegal or improper, jeopardizing his/her/its right or interest, a complaint may be filed with the Committee in accordance with these regulations.

In principle, no student, student association or any other relevant student self-governing organization shall file more than one complaint with the University for the same case.

**Article 4** The students, students associations and other relevant student

self-governing organizations of the University shall file and handle complaints in accordance with the following terms:

1. Any notice of student reward or disciplinary sanction or any measure related to any student's interest by the University shall be accompanied by a complaint deadline and procedure.
2. Any student, student association or any other relevant student self-governing organization that objects to any disciplinary sanction, other measure or resolution by the University shall file a complaint by submitting a written statement stating the specific facts and accompanied by relevant information within 20 days from the day following the date of the relevant disciplinary sanction, measure or resolution. The University is not obliged to accept any late submission.

If the deadline to file a complaint under the previous paragraph is delayed due to an act of God or any event that is not attributable to the Complainant, the Complainant may submit a written statement to the Committee within 10 days after the event ceases to exist and ask the Committee to process the complaint, provided that the delay shall not be longer than one year.

3. The complaint shall specify the Complainant's name, gender, date of birth, class, student number, telephone, address, specific facts of and reasons for the complaint and the remedy measure sought by the Complainant. The complaint shall also be accompanied by relevant documents and evidence. The format of the complaint shall be further stipulated.
4. A complaint case shall first be reviewed by the Procedural Review Team of the Committee for a maximum of 7 days. If the review concludes that the complaint should not be processed, a decision should be made and delivered to the Complainant within 14 days. The basic information of the Complaint shall be kept confidential.
5. The Committee shall only review written information. Meetings shall not be rendered public in principle. However, if required, the Complainant, related parties and representatives from the organization that rendered the original decision may be asked to provide explanations in the meeting or state their opinions. If it is necessary to investigate or obtain a field understanding, the Committee may decide to appoint 3 to 5 members to form an investigation team to conduct investigation, while respecting the privacy of the parties.
6. The Complainant may withdraw the complaint case before a decision is made by the Committee.
7. The Committee shall complete review within 30 days from the day following the date on which the complaint is received. The review period may be extended and a notice shall be sent to the Complainant, provided that there shall be no more than one extension and the maximum extension period shall be two months. However, in the event of complaint against expulsion from school, cancellation of student registration or similar sanction, no extension shall be allowed.

If the Committee deems that the complaint is inconsistent with the requirements and if such incompliance may be corrected, it shall give notice to the Complainant to make correction within 7 days. The correction period shall be excluded from the review period.

8. In any complaint case against expulsion from school, cancellation of student registration or similar sanction, before the decision is confirmed, the University may procure that the student continues studies in the University based on its authority or pursuant to a written application by the student.

When the University receives a student application referred to in the preceding paragraph, it shall seek the opinion of the Committee, take into consideration the student's living and learning situation and provide a written reply within 7 days, accompanied with the rights and obligations related to student registration.

If the University grants a consent to continue studies in the University, other than the graduation certificate which shall not be issued by the University, the other course selections, scorings, rewards and disciplinary sanctions shall continue to apply in the same manner for registered students.

9. The committee may appoint 3 members, including its chairman, and authorize them to draft the conclusions of a decision. The decision shall be signed by the chairman. The Committee's decisions, votes and individual member's opinions shall be kept confidential.
10. The decisions of the Committee shall include the ruling, facts and reasons. A decision shall also be issued for any complaint case that is not processed and the facts can be excluded in this decision. The decision shall also specify the remedies available in case of objection to the complaint decision in accordance with Subparagraph 1, Paragraph 4, Article 5 or Paragraph 5, Article 5.
11. After a complaint is filed, if the Complainant files a petition or litigation against the complaint case or any related matter, he or she shall give an immediate written notice to the University for the University to notify the Committee.

The Committee shall suspend the review of the case upon receipt of a notice under the preceding paragraph or upon knowledge of such event based on its authority. A notice shall be given to the Complainant. After the reason for suspension ceases to exist, the Committee shall continue review upon written request by the Complainant and give a written notice to the Complainant. If all or part of the decision on a complaint case should be based on whether the legal relationship underlying a petition or litigation is sustained, the Committee shall suspend the review of the case before the completion of the petition or litigation procedure and shall give a written notice to the Complainant. The Committee shall continue the review after the reason for suspension ceases to exist, with a written notice to the Complainant.

The preceding two paragraphs are not applicable to any complaint case against expulsion from school, cancellation of student registration or similar sanction.

12. In any complaint case against expulsion from school, cancellation of student registration or similar sanction, if the Committee decides to maintain the original decision, the studies, student registration, military service or fee refund shall be handled in accordance with Paragraphs 5 and 6, Article 5.
13. Following approval by the Principal of the University, the decision of the Committee shall be delivered to the Complainant, the necessary related parties and the organization that made the original decision, in accordance with the organization and affiliation of the Committee.

**Article 5** Results of any complaint filed by a student of the University shall be executed as follows:

1. After a decision of the Committee is approved, all departments and relevant staff of the University shall perform in accordance with the decision. The recommended action of the decision shall be completed by the stipulated deadline, with a reply letter to the Committee.
2. After a decision of the Committee is approved by the Principal of the University, a notice shall be given to the department that issued the original disciplinary sanction, measure or resolution. If the department that issued the original disciplinary sanction, measure or resolution deems that the decision of the Committee is in conflict with the law or cannot be implemented, it shall submit the specific facts and reasons in writing to the Principal of the University within 3 days, with a copy to the Committee. If the Principal deems that there are grounds for objection, it may submit the case to the Committee again for second review. There shall be no more than one repeated review.
3. If the Complainant has an objection about the review results and decision, it shall list new evidence and file an appeal with the Committee within 10 days from the day following the receipt of the decision. There shall be no more than one appeal.
4. If a Complainant has filed an appeal with the University in relation to an administrative sanction rendered by the University and if the Complainant objects to the decision following appeal, it may file a petition within 30 days from the day following the receipt of the appeal decision, accompanied by the appeal decision issued by the University. Such petition shall be forwarded by the University to the Ministry of Education.

Upon receipt of the petition referred to in the preceding paragraph, the University shall submit it, together with the University's defense and necessary related documents, to the Ministry of Education as soon as possible.

If a Complainant files a petition against an administrative sanction by the University with the Ministry of Education directly without going

through the complaint procedure of the University, the Ministry of Education shall return the case to the University for handling in accordance with the student complaint procedure.

5. If a Complainant files a complaint with the University against any disciplinary sanction, other measure or resolution other than administrative sanction by the University and if the Complainant objects to the decision rendered following the complaint, the Complainant may file a legal lawsuit based on the nature of the case to seek remedies.
6. For complaint cases against expulsion from school, cancellation of student registration or similar sanctions, if the Committee decides to maintain the original decision, the suspension and student registration shall be handled in accordance with the following:
  - (1) The suspension date specified in the suspension certificate shall be the date as determined by the original decision.
  - (2) For the course taken and credits obtained during the complaint period, credit certificates may be issued.
7. For complaint cases against expulsion from school, cancellation of student registration or similar sanctions, if the Committee decides to maintain the original decision, the military service and fee refund shall be handled in accordance with the following:
  - (1) The name of the male student with military service duty shall be recorded in the List of Students with Reinstated Military Duty following Departure from School within 30 days from the confirmation of the results of the complaint.
  - (2) The fee refund criteria shall be in accordance with Article 8 of the Regulations for Student Fee Charges in Professional Colleges and Higher Schools and Article 15 of the Regulations for Tuition and Miscellaneous Charges for Professional Colleges and Higher Schools.
8. If the decision of a petition or the judgment of an administrative lawsuit overturns the original decision by the University about expulsion from school, cancellation of student registration or similar sanctions and if the student cannot re-enroll due to any special reason, the University should assist with the reinstatement. In case of male student with military service duty who cannot re-enroll because the student has started the military service, the University shall maintain the student registration and assist the student with re-enrollment in priority. The period of absence from the University before such re-enrollment may be deemed as suspension.

**Article 6** The nature of the student complaint system is a remedy for student rights and should be conditional upon the damage to student's personal interest. The system should also be included in the student manual and should be promoted so that the students can understand the functions and process flows of the complaint system.

**Article 7** When a student files a complaint against sexual assault or sexual

harassment in campus in the nature of application for investigation under Paragraph 2, Article 28 of the Gender Equality Education Act, the applicable provisions of the Gender Equality Education Act shall apply.

**Article 8** These regulations have been approved by the School Affairs Meeting and are implemented following the filing with and approval by the Ministry of Education. The same shall be applicable to any amendment hereto.