

Asia University Regulations for Student Grievance and Arbitration

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Article 1. General Rules

In order to establish a grievance system for students, to guarantee their right to learn, dwell and receive education, and to enhance harmony on the campus, the university has established the Student Grievance and Arbitration Regulations, based on Article 33 of the University Law, the Regulations Regarding the University and College Student Grievance Process, on Article 21 of the Special Education Act, Special Education Students Ombudsman Service Approach, and Article 13 of the Asia University Organizational Regulations.

Article 2. Appellant Eligibility

1. Any individual student or any self-ruling student organization that disagrees with a school resolution, including a penalty, administrative measure or resolution, on the grounds that it violates the rights and interests of students may file an appeal with the Committee.
2. The term student in this article refers to an individual with student status at the time when a relevant school resolution is made.

Article 3. Range of Grievances

Students may submit grievances to the Student Grievance and Arbitration Committee based

on the regulations if the students consider that the disciplinary actions imposed in terms of personal life, studies, rewards and penalties, are illegal, inadequate, or violate the individual rights of the students.

Article 4. Reception of Grievances

1. The Student Appeals Review Committee (hereinafter the Committee) is established to deal with any individual student, or any self-ruling student organization, that have a complaint.
2. The Committee consists of fifteen to twenty-one unpaid members:
 - (1) One full-time instructor and one undergraduate student representative from each college.
 - (2) One official from the Center for General Education, one official from the College of International and Cross-Strait Education.
 - (3) Two to three graduate student representatives by college, on a rotational basis.
 - (4) One official from the Student Association, one official from the Student Council.
 - (5) Scholars and experts specializing in legal, educational and psychological fields from within the university.

A minimum of half of the instructor members shall be non-administrators; a member of the Student Rewards and Disciplinary Committee is not eligible to be a member of the Committee; and no more than two-thirds of the members can be of the same gender.

When a case involves special education students, the Committee must recruit special education scholars and experts, special education parents, or other special education professionals to serve the members.

3. If members of the Student Association and the student council are not duly available, the Division of Extra-curricular Activities should consult with the Departmental Student Governments.
4. The Student Affairs Dean serves as a tentative convener to call a committee meeting, which will be officially presided over by a chair elected from among the Committee members. The Committee is entitled to invite the leader of the Counseling Section, the leader of the Guidance and Counseling Section, and the leader of the Extra-Curricular Activities Section to attend its meetings, which will be organized by the Office of Student Affairs. An Executive Secretary will be designated.

When a case involves foreign students, Mainland Chinese students, and Overseas Chinese students, the Committee could invite a counselor to attend conference.

5. The Committee will elect the members of the council for a five-person "program review group" to consider whether a case raised is beyond the scope of the complaint, if the case exceeds the scope of the complaint it should be dismissed and recommendations provided in writing.
6. The Office of Student Affairs shall cover any expenses incurred by the administration of the Committee.
7. Every member of the Committee is appointed by the President of the University to serve a term of one year.

Article 5. Grievance Mode and Frequency

The grievant should submit a grievance statement, providing the name, department, student number, age, gender, mailing address, telephone number, factual information, the nature of the grievance and the remedy requested, along with all the supporting documents and relevant evidence, to the Student Grievance and Arbitration Committee. If any special circumstances are encountered, the grievant may report the grievance statement verbally to the official who receives the case, and together create an official document, to be signed by the student. In principle, students can only file the same grievance application once to the university.

Article 6. Grievance Time Limit

The day after receiving disciplinary citations in terms of personal life, studies, reward and penalty, students who are unwilling to accept the verdict may submit grievances within a period of ten days. If the authorities publicly announce the disciplinary actions without issuing any citations in paper form, the grievant may submit the grievance within ten days after the day of announcement. If the grievant has to delay the submission of grievances due a force majeure, he or she may state the reasons to the Student Grievance and Arbitration Committee and seek permission to delay.

Article 7. Cancellation of Grievance

The grievant may withdraw the case before the arbitration decision is completed.

Article 8. Grievance Handling Procedures

1. The meeting is a closed meeting. The minutes of the meeting concerning individual opinions, reviews and voting records shall be kept confidential from the public.
2. The Committee will review the written appeal documents in a closed meeting where the appellant, relevant school officials and parties may be invited to respond. An appeal that is found to be beyond the capacity of the Committee will be rejected in a written statement with a proposed settlement. In special cases a task force of three to five members will be formed to conduct a confidential investigation.
3. Once the grievance is submitted, the Student Grievance and Arbitration Committee should be notified in written form if the grievant proposes a petition, administrative lawsuit, civil or criminal lawsuit regarding the grievance case or other related matters.
When the Committee is informed of the preceding situation, the arbitration of the case should be discontinued until the reason halting the arbitration process ceases. Academic dismissal and expulsion are not limited by this article.
4. Before the arbitration decision of the cases concerning academic dismissal and expulsion is made, the grievant may propose a petition in written form to request continuing studies at school. After receiving the petition, the university should consult the opinions of Student Grievance and Arbitration Committee, evaluate the student's life and academic circumstances and respond to the petition in written form within a week. Rights and duties concerning the student status should be clearly enumerated.
5. Grievant who are permitted to continue to study at school based on the provisions of

Article 8-4, are treated equally as the active students in terms of taking courses, evaluation of academic achievement, reward and penalty, except that no graduation diploma will be granted.

6. The university should complete the evaluation and arbitration within thirty days of the day after receiving the grievance statement. If necessary, the term of proceeding may be extended once for a period of not exceeding two months.
7. A meeting of the Committee shall not commence without a quorum of two-thirds of its members. A resolution shall not be reached without the consent of half of the members in attendance.

Article 9. Grievances Written Decision

1. The document of the arbitration decision should include the main body of the decision, factual information, and reasons. Dismissed grievance cases should also be arbitrated in paper form, which will only include the main body and reasons.
When a case involves foreign students, Mainland Chinese students, and Overseas Chinese students, grievances written decision should use English or bilingual.
2. The review report shall be presented to the President for ratification, with the Dean of Student Affairs communicating the resolution of the Committee by letter to the appellant and the office in charge.
3. In accordance with the provisions of Article XI, the document shall record any dissatisfaction with the Grievances written decision.

Article 10. Validity of Arbitration

1. After the arbitration decision is made and proposed to the President for confirmation, the original unit that imposed disciplinary actions on the grievant should be notified. If the original unit considers that the arbitration decision violates the regulations or is too difficult to implement, it should enumerate concrete facts and reasons, propose them to the President of the university and notify the Student Grievance and Arbitration Committee. If the President considers that the proposal is reasonable, he or she may transfer the grievance case back to the Committee with a request for reconsideration (once and only once). The university should adopt the decision immediately the executive procedure of the arbitration decision is completed.
2. If the grievance concerning academic dismissal is arbitrated to maintain the original actions imposed on the grievant, the grievant's academic studies and student status shall be handled according to the following regulations:
 - (1) The date of end of study enumerated in the certificate of studies shall be the date on which the original disciplinary action was implemented.
 - (2) The courses and credits taken during the grievance process may be certificated.
3. If the grievance concerning academic dismissal is arbitrated to maintain the original actions imposed on the grievant, matters about the grievant's military service and refund shall be handled according to the following regulations:
 - (1) The report of "absence of reasons for deferred conscription" for male students at the

- conscription age will be filed within thirty days after the arbitration decision is made.
- (2) The refund of fees will be handled according to the present “refund scale for dismissed and suspended college students.”

Article 11. Application for Appeal

1. The arbitration document concerning dismissal or similar action, should note that if the arbitration decision is not accepted, the grievant may propose a petition to the Ministry of Education within thirty days after receiving the arbitration decision.
2. If the complainant refuses to accept the decision or resolutions as issued by the school, the complainant may seek legal opinion.
3. If the student refuses to accept the school’s administrative sanctions, without redress, the appeal will be forwarded to the Ministry of Education. The appeal case will be handled by the school, in accordance with the “Regulations for Student Grievance and Arbitration”.

Article 12. Appealing the Decision and Administrative Proceedings

1. The University administration shall work within its capacity to help with the re-enrollment of an appellant who cannot otherwise become re-enrolled in time due to a specific incident. In the case of an enlisted draftee, the University administration shall help him to retain his student status, to apply for suspension from study, and to be re-enrolled after his discharge from military service.
2. An appellant receiving approval for re-enrollment as a result of a petition or an administrative lawsuit shall follow the university rules to proceed with a re-enrollment application.

Article 13. The student appeal regulations shall be written in the student handbook in order to assist students to understand them.

Article 14. In order to permit the views of students to be promulgated, students may petition, provide suggestions, provide comments, or take other such approved measures.

Article 15. An appeal involving a sexual offense, harassment or bullying that requires an investigation as defined in the second paragraph of Article 28 of the Gender Equality Education Act shall be processed and resolved in accordance with the Act.

Article 16. These rules will be approved by the University Council Meeting and ratified by the Ministry of Education. Any amendments shall be processed accordingly.