

高雄醫學大學教師申訴評議委員會設置要點

Guidelines for the Establishment of the Faculty Appeals Committee

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- 108.04.11 107學年度第3次校務會議審議通過
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- 一、本校為確保學校對教師措施之合法性與合理性，促進校園和諧，依大學法第22條、教育部「教師申訴評議委員會組織及評議準則」及本校組織規程第22條規定，訂定本要點。

To ensure the legality and rationality of measures taken by the university towards teachers, and to promote campus harmony, these guidelines are established in accordance with Article 22 of the University Act, the Ministry of Education's "Organization and Evaluation Criteria for Faculty Appeals Committees," and Article 22 of the University's Organizational Charter.

- 二、本校教師對本校有關其個人之措施，認為違法或不當，致損害其權益者，得向本校教師申訴評議委員會（以下簡稱申評會）提出申訴。

教師因本校對其依法申請之案件，於法定期間內應作為而不作為，認為損害其權益者，亦得提起申訴；法令未規定應作為之期間者，其期間自本校受理申請之日起為二個月。

Teachers of the university who believe that measures taken by the university regarding themselves are illegal or inappropriate, resulting in harm to their rights, may file a complaint with the Faculty Appeals Committee of the university (hereinafter referred to as the "Appeals Committee").

If a teacher believes that his/her rights have been harmed because the university did not act within

the statutory period for a case for which he/she applied in accordance with the law, he/she may also file a complaint. If the law does not specify a period for action, the period shall be two months from the date the application is accepted by the university.

- 三、本校申評會置委員十五人至二十一人，均為無給職，任期一年，由校長遴聘教師、社會公正人士、學者專家、本校教師會代表及學校代表擔任，其中未兼行政職務之教師不得少於委員總數三分之二；任一性別委員人數不得少於委員總數三分之一。

前項委員因故出缺時，繼任委員之任期至原任期屆滿之日止。

The Appeals Committee shall consist of fifteen to twenty-one members, all serving without remuneration, with a term of one year. They shall be appointed by the President and include teachers, social justice professionals, scholars, representatives of the university's Teachers' Association, and university representatives. Teachers who do not hold administrative positions must constitute no less than two-thirds of the total number of committee members. The number of members of any gender shall not be less than one-third of the total number of members.

In the event of a vacancy of the preceding member, the term of office of the succeeding member shall expire on the date of expiration of the original term.

- 四、申評會主席由委員互選之，並主持會議，任期一年，連選得連任，但校長不得為主席。

前項主席因故不能主持會議時，由其指定委員一人代理主席；主席未指定時，由委員互推一人代理之。

The chairperson of the Appeals Committee shall be elected by the members, preside over meetings, serve a term of one year, and may be re-elected consecutively, but the President may not be the chairperson. In the event that the chairperson is unable to preside over a meeting, they shall designate a member to act as chairperson; if the chairperson does not make a designation, the members shall elect a person to act as chairperson.

- 五、申評會會議由校長召集之，校長因故不能召集會議時，由校長指定主席召集之。

前項會議經委員總數二分之一以上之書面請求，召集人應於二十日內召集之。

Meetings of the Appeals Committee shall be convened by the President. If the President is unable to convene a meeting, they shall designate a chairperson to convene it.

If more than half of the members request a meeting in writing, the convener shall convene the meeting within twenty days.

- 六、教師提起申訴、再申訴管轄如下：

對本校之措施不服者，向本校申評會提起申訴；如不服其評議決定者，向中央教師申訴評議委員會（以下簡稱中央教師申評會）提起再申訴。

對於教育部之措施不服者，向中央教師申評會提起申訴，並以再申訴論。

The jurisdiction of teachers to lodge appeals and re-appeals is as follows:

Teachers dissatisfied with the Appeals Committee's decision may appeal to the Ministry of Education's Teacher Grievances Committee (hereinafter referred to as the "Central Teacher

Grievances Committee").

Teachers dissatisfied with the measures taken by the Ministry of Education may lodge an appeal with the Central Teacher Grievances Committee which shall be considered as a re-appeal.

七、本校不服申訴評議決定，得提起再申訴者，其再申訴之管轄，準用前點規定。

If the university is dissatisfied with the decision of the Appeals Committee, it may also appeal to the Central Teacher Grievances Committee. The jurisdiction of the appeal in these cases shall follow the provisions mentioned in the previous clause.

八、申訴之提起應於收受或知悉措施之次日起三十日內以書面為之；再申訴於申訴評議書達到之次日起三十日內以書面為之。

前項期間，以受理之申評會收受申訴書之日期為準。

申訴人誤向應受理之申評會以外之機關提起申訴者，以該機關收受之日，視為提起申訴之日。

申訴人因天災或其他不應歸責於己之事由，致遲誤第一項之申訴期間者，於其原因消滅後十日內，得以書面敘明理由向受理之申評會申請回復原狀。但遲誤申訴期間已逾一年者，不得為之。申請回復原狀，應同時補行期間內應為之申訴行為。

本校依法應以可供存證查核之方式送達其措施於申訴人者，以該送達之日為知悉日。

The appeal shall be filed in writing within thirty days from the day following the receipt or knowledge of the measure; a re-appeal shall be filed in writing within thirty days from the day following the receipt of the decision of the appeal body.

For the period mentioned in the preceding paragraph, the date of receipt of the appeal by the appeal body shall prevail.

If the complainant mistakenly lodges an appeal with an authority other than the competent appeal body, the date of receipt by that authority shall be deemed as the date of lodging the appeal.

If the complainant fails to meet the deadline for filing an appeal due to a natural disaster or other circumstances not attributable to the complainant, the complainant may, within ten days after the elimination of the reasons, apply in writing to the appeal body for restoration of the original deadline. However, such an application shall not be made if the deadline for filing the appeal has already exceeded one year. The application for restoration of the original deadline shall be accompanied by the performance of the acts that should have been performed within the original deadline.

九、申訴應具申訴書，載明下列事項，由申訴人或代理人簽名或蓋章，並應檢附原措施文書、有關之文件及證據：

- (一)申訴人姓名、出生年月日、身分證明文件字號、服務單位及職稱、住居所、電話。
- (二)有代理人或代表人者，其姓名、出生年月日、身分證明文件字號、住居所、電話。
- (三)原措施單位。
- (四)收受或知悉措施之年月日、申訴之事實及理由。
- (五)希望獲得之具體補救。
- (六)提起申訴之年月日。
- (七)受理申訴之申評會。
- (八)載明就本申訴事件有無提起訴願、訴訟或勞資爭議處理；其有提起者，應載明向何機關或法院及提起之年月日。

依第二點第二項規定提起申訴者，前項第三款、第四款所列事項，分別為應作為之單位、向本校提出申請之年月日及法規依據，並附原申請書之影本及受理申請之單位之收受證明。

Appeals must include an appeal letter signed or sealed by the complainants or their representative with documents of the original measures attached including the following information:

- (1) name, date of birth, ID number, unit and position, address of residence, and telephone number of the complainant;
- (2) name, date of birth, ID number, address of residence, and telephone number of the representative or agent, if any;
- (3) unit of the original measure;
- (4) date of receipt or awareness of the measure, the facts and reasons for the appeal;
- (5) specific remedies sought;
- (6) date of filing the appeal;
- (7) the Appeals Committee handling the appeal;
- (8) whether an appeal, lawsuit, or labor dispute resolution has been filed for the same matter, including the institution or court to which it was filed and the date of filing.

For those who file an appeal according to the second item of the second clause, the units listed in the third and fourth items should be the units that should have taken action, the date of application to the university, and the legal basis, and a copy of the original application and proof of acceptance by the unit receiving the application should be attached.

十、提起申訴不合前點規定者，申評會得通知申訴人於二十日內補正。屆期未補正者，申評會得逕為評議。

If an appeal is not in accordance with the provisions in the preceding clause, the Appeals Committee may notify the complainant to rectify it within twenty days. If the rectification is not made by the deadline, the Appeals Committee may proceed with the evaluation and investigation.

十一、申評會應自收到申訴書之次日起十日內，以書面檢附申訴書影本及相關書件，通知原措施

單位或相關單位提出說明。

原措施單位或相關單位應自前項書面通知達到之次日起二十日內，擬具說明書連同關係文件送申評會，並應將說明書抄送申訴人。但原措施單位認申訴為有理由者，得自行撤銷或變更原措施，並函知申評會。

原措施單位或相關單位屆前項期限未提出說明者，申評會應予函催；其說明欠詳者，得再予限期說明，屆期仍未提出說明或說明欠詳者，申評會得逕為評議。

第一項期間，於依前點規定補正者，自補正之次日起算；未為補正者，自補正期限屆滿之次日起算。

Within ten days from the day following the receipt of the appeal letter, the Appeals Committee shall, in writing, attach a copy of the appeal letter and relevant documents, and notify the unit of the original measure or the relevant unit to provide an explanation.

The unit of the original measure or the relevant unit shall, within twenty days from the day following the receipt of the written notice, prepare an explanatory memorandum and send it to the Appeals Committee along with relevant documents, and shall also send a copy of the explanatory memorandum to the complainant. However, if the unit of the original measure considers the appeal to be justified, it may withdraw or modify the original measure and inform the Appeals Committee in writing.

If the unit of the original measure or the relevant unit fails to submit an explanation within the aforementioned period, the Appeals Committee shall send a reminder in writing. If the explanation is insufficient, a further deadline may be given for clarification. If no explanation is provided or if the explanation is still insufficient by the deadline, the Appeals Committee may proceed with the evaluation and investigation.

十二、申訴提起後，於評議書送達申訴人前，申訴人得撤回之。申訴經撤回者，申評會應終結申訴案件之評議，並以書面通知申訴人、原措施單位及相關單位。

申訴人撤回申訴後，不得就同一原因事實重行提起申訴。

After filing an appeal, the complainant may withdraw it before receiving the decision document. If the appeal is withdrawn, the Appeals Committee shall conclude the evaluation and notify the complainant, the unit of the original measure, and the relevant unit in writing. After the complainant withdraws the appeal, he/she may not file the same appeal again for the same reason.

十三、申訴案件全部或一部之評議決定，以訴願、訴訟或勞資爭議處理之法律關係是否成立為據者，申評會於訴願、訴訟或勞資爭議處理程序終結前，得停止申訴案件之評議，並以書面通知申訴人；於停止原因消滅後，經申訴人、原措施單位通知，或申評會知悉時，應繼續評議，並以書面通知申訴人。

教師依訴願法提起訴願後，復依本法提起申訴者，申評會應停止評議，並以書面通知申訴人；於停止原因消滅後，經申訴人、原措施單位通知，或申評會知悉時，應繼續評議，並

以書面通知申訴人。

In case the decision of an appeal case is entirely or partially based on the establishment of the legal relationship for appeal, litigation, or labor dispute resolution, the Appeals Committee may suspend the evaluation and shall notify the complainant in writing of the suspension before the conclusion of the appeal, litigation, or labor dispute resolution process. Upon the cessation of the reason for suspension, the Appeals Committee shall resume the evaluation upon notification by the complainant or the unit of the original measure, or upon the Appeals Committee's own knowledge, and shall notify the complainant in writing.

If a teacher files an appeal under the Appeal Act and subsequently files a complaint under this Act, the Appeals Committee shall suspend the evaluation and notify the complainant in writing. Upon the cessation of the reason for suspension, the Appeals Committee shall resume the evaluation upon notification by the complainant or the unit of the original measure, or upon the Appeals Committee's own knowledge, and shall notify the complainant in writing.

十四、 (本條刪除)

(This clause is deleted.)

十五、 申評會會議以不公開為原則。評議時，得經決議邀請申訴人、關係人、學者專家或有關機關指派之人員到場說明。

申訴人原措施單位申請到場說明而有正當理由者，經申評會會議決議同意後，應指定時間地點通知其到場說明。

依前項規定到場說明時，得偕同輔佐人一人至二人為之。

申訴案件有實地了解之必要時，得經申評會會議決議，推派委員代表至少三人為之；並於申評會會議時報告。

The meetings of the Appeals Committee shall be held on a non-public basis. During the evaluation, if necessary, the complainant, relevant parties, scholars, experts, or personnel assigned by relevant agencies may be invited to explain the matter upon resolution.

The complainant or the unit of the original measure, if there is a valid reason, may request to appear for an explanation. After the Appeals Committee resolves and agrees in a meeting, they shall notify the individual of the time and place for the appearance.

When appearing for an explanation as stipulated in the preceding paragraph, one to two assistants may accompany them.

When it is necessary to understand the situation on-site in an appeal case, the Appeals Committee may resolve in a meeting to assign at least three members to represent it; and report during the Appeals Committee meeting.

十六、 申評會委員有下列情形之一者，應自行迴避，不得參與評議：

(一)行政程序法第三十二條所定各款情事之一。

(二)於申訴案件有利害關係。

有具體事實足認申評會委員就申訴案件有偏頗之虞者，申訴人得舉其原因及事實向申評會申請委員迴避。

前項申請，由申評會決議之。

申評會委員有第一項所定情形不自行迴避，而未經當事人申請迴避者，應由委員會依職權命其迴避。

申評會委員於評議程序中，除經委員會議決議外，不得與申訴人、代表其利益之人或利害關係人為程序外之接觸。

A member of the Appeals Committee shall self-recuse and shall not participate in the evaluation under any of the following circumstances:

(1) Any of the circumstances specified in Article 32 of the Administrative Procedure Act.

(2) Having an interest in the appeal case.

If there are specific facts indicating that a member of the Appeals Committee may be biased in the appeal case, the complainant may cite the reasons and facts and apply to the Appeals Committee for the member's recusal.

The application in the preceding paragraph shall be decided by the Appeals Committee.

If a member of the Appeals Committee fails to self-recuse under the circumstances specified in paragraph 1 and has not been requested to recuse by the party concerned, the committee shall, ex officio, order the member to recuse.

During the evaluation process, a member of the Appeals Committee shall not have any extrajudicial contact with the complainant, those representing their interests, or interested parties, except as resolved by the committee meeting.

十七、申評會之決定，除依第十三點規定停止評議者外，自收受申訴書之次日起，應於三個月內為之；必要時，得予延長，並通知申訴人。延長以一次為限，最長不得逾二個月。

前項期間，於依第十點規定補正者，自補正之次日起算；未為補正者，自補正期限屆滿之次日起算；依第十三點規定停止評議者，自繼續評議之日起重行起算；於評議決定期間補具理由者，自收受最後補具理由之次日起算。

The decision of the Appeals Committee, except for cases where the review is suspended in accordance with Article 13, shall be made within three months from the day following the receipt of the appeal; when necessary, an extension may be granted, with notification to the appellant.

Such extension shall be limited to one time and shall not exceed two months at most.

The period specified in the preceding paragraph shall be calculated from the day following the correction deadline as stipulated in Article 10 for those who have made corrections; for those who have not made corrections, it shall be calculated from the day following the expiration of the correction period; for cases where the evaluation is resumed in accordance with Article 13, it shall be recalculated from the date the evaluation resumes; for cases where reasons are supplemented during the evaluation decision period, it shall be calculated from the day following

the receipt of the final supplementary reasons.

十八、申訴有下列各款情形之一者，應為不受理之評議決定：

(一)申訴書不合法定程式不能補正，或經通知限期補正而屆期未完成補正。

(二)提起申訴逾第八點規定之期間。

(三)申訴人不適格。

(四)原措施已不存在或申訴已無實益。

(五)依第二點第二項提起之申訴，應作為之單位已為措施。

(六)對已決定或已撤回之申訴案件就同一原因事實重行提起申訴。

(七)依第十三點第二項規定繼續評議，其原措施屬行政處分。

(八)其他依法非屬教師申訴救濟範圍內之事項。

The appeal shall be dismissed in the evaluation decision under any of the following circumstances:

(1) The appeal document is not in compliance with the legal procedure and cannot be corrected, or the correction is not completed by the deadline after being notified to make corrections.

(2) The appeal is filed after the period specified in Article 8 has expired.

(3) The appellant is not qualified.

(4) The original measure no longer exists or the appeal no longer serves any purpose.

(5) The appeal filed in accordance with Article 2, paragraph 2, has been taken as a measure by the competent authority.

(6) A new appeal is filed for the same reason and facts of a case that has been decided or withdrawn.

(7) Continuing the review in accordance with Article 13, paragraph 2, the original measure is an administrative disposition.

(8) Other matters that are not within the scope of teacher appeal relief according to the law.

十九、分別提起之數宗申訴係基於同一或同種類之事實上或法律上之原因者，申評會得合併評議，並得合併決定。

申評會於評議前認為必要時，得推派委員三人至五人審查，委員於詳閱卷證、研析事實及應行適用之法規後，向申評會提出審查意見。

When multiple appeals are filed separately based on the same or similar facts or legal reasons, the Appeals Committee may consolidate the evaluations and make a consolidated decision.

Before the evaluation, the Appeals Committee may, when deemed necessary, appoint three to five members to evaluate the case. After reviewing the files and evidence, analyzing the facts, and applying the relevant laws and regulations, the members shall submit their review opinions to the Appeals Committee.

二十、申評會應審酌申訴案件之經過、申訴人所受損害及所希望獲得之補救、申訴雙方之理由、對公益之影響及其他相關情形，為評議決定。

The Appeals Committee shall consider the process of the appeal case, the damages suffered by

the complainant, the remedies sought, the arguments of both parties, the impact on public interest, and other relevant circumstances in making the evaluation decision.

二十一、 申訴無理由者，申評會應為駁回之評議決定。

原措施所憑之理由雖屬不當，但依其他理由認原措施為正當者，應以申訴為無理由。

If the appeal is groundless, the Appeals Committee shall make a decision to reject it.

If the reasons for the original measure are improper but the original measure is deemed legitimate for other reasons, the appeal shall be considered groundless.

二十二、 申訴有理由者，申評會應為有理由評議之決定；其有補救措施者，並應於評議書主文中載明。

前項評議決定撤銷原措施，發回原措施單位另為措施時，應指定相當期間命其為之。

依第二點第二項提起之申訴，申評會認為有理由者，應指定相當期間，命應作為之單位為一定之措施。

If the appeal is justified, the Appeals Committee shall make a decision to support it. If there are remedial measures, they shall be specified in the main text of the evaluation decision.

When the evaluation decision revokes the original measure and sends it back to the original measure unit for another measure, a reasonable period shall be specified for the unit to take action.

For appeals filed in accordance with Article 2, paragraph 2, if the Appeals Committee considers them justified, a reasonable period shall be specified for the unit to take action.

二十三、 申評會委員應親自出席委員會會議，經委員總數二分之一以上出席，始得開議；評議決定應經出席委員三分之二以上之同意行之；其他事項之決議，以出席委員過半數之同意行之。

前項決議時，迴避之委員不計入出席委員人數。

Members of the Appeals Committee shall attend the committee meeting in person. The meeting shall be convened only when more than half of the total members are present; the evaluation decision shall be made only with the consent of two-thirds or more of the attending members; other resolutions shall be made with the consent of more than half of the attending members.

During the resolution, the recused members shall not be counted as attending members.

二十四、 申評會之評議決定，以無記名投票表決方式為之；其評議經過及個別委員意見，應對外嚴守秘密。

前項表決結果應載明於當次會議紀錄；表決票應當場封緘，經會議主席及委員推選之監票委員簽名，由申評會妥當保存五年。

The evaluation decision of the Appeals Committee shall be made by secret ballot. The process of the review and the individual opinions of the members shall be kept strictly confidential.

The voting results shall be recorded in the minutes of the meeting; the ballots shall be sealed on the spot and kept properly for five years with the signatures of the chairperson of the

meeting and the supervising member elected by the committee.

二十五、 申評會應指定人員製作評議紀錄附卷；委員於評議中所持與評議決定不同之意見，經其請求者，應列入委員會議紀錄。

The Appeals Committee shall designate personnel to prepare the evaluation record appendix; if a member requests, the opinions different from the evaluation decision held by the member during the review shall be included in the committee meeting record.

二十六、 評議書應載明下列事項：

(一) 申訴人姓名、出生年月日、服務之單位及職稱、住居所。

(二) 有代理人或代表人員者，其姓名、出生年月日、住居所。

(三) 原措施單位。

(四) 主文、事實及理由。其係不受理決定者，得不記載事實。

(五) 申評會主席署名。申評會作成評議書時主席因故不能執行職務者，由代理主席署名，並記載其事由。

(六) 評議書作成之年月日。

評議書應附記如不服評議決定，得於評議書送達之次日起三十日內，向中央教師申評會提起再申訴。但評議決定不得提再申訴者，或其申訴依規定以再申訴論者，應附記如不服評議決定，得按事件之性質，依相關法律規定於法定期限內，向該管機關提起訴訟。

The evaluation decision shall include the following:

(1) Name of the complainant, date of birth, unit and position of service, and address of residence.

(2) If there is a representative or agent, their name, date of birth, and address of residence.

(3) The original measure unit.

(4) Main text, facts, and reasons. If the decision is to dismiss the appeal, the facts may not be recorded.

(5) Signature of the chairperson of the Appeals Committee. If the chairperson is unable to perform his/her duties when the evaluation decision is made, the deputy chairperson shall sign and state the reason.

(6) Date of the evaluation decision.

The evaluation decision shall include a note that if the decision is not accepted, an appeal may be filed with the Central Teacher Grievances Committee within thirty days from the day following the delivery of the evaluation decision. However, if the evaluation decision cannot be appealed or if the appeal is considered as an appeal, a note shall be included that a lawsuit may be filed with the competent authority within the statutory period according to the nature of the case.

二十七、 評議書以本校名義為之，作成評議書正本，並以本校名義足供存證查核之方式，於評議書作成後十五日內，將評議書正本送達申訴人、原措施之單位。

申訴案件有代表人或代理人者，除受送達之權限受有限制者外，前項評議書之送達，向

該代表人或代理人為之；代表人或代理人有二人以上者，送達得僅向其中一人為之。
The evaluation decision shall be made in the name of the university, and the original copy of the evaluation decision shall be made and preserved in a way that is sufficient for certification and verification in the name of the university. Within fifteen days after the evaluation decision is made, the original copy of the evaluation decision shall be delivered to the complainant and the unit of the original measure.

For appeal cases with representatives or agents, except for those with restricted delivery rights, the delivery of the review decision shall be made to the representative or agent; if there are two or more representatives or agents, the delivery may be made to one of them.

- 二十八、 評議決定於申訴人或為原措施之單位於評議書送達之次日起三十日內未提起再申訴者即為確定。

The evaluation decision shall become final if no further appeal is filed by the complainant or the unit of the original measure within thirty days from the day following the delivery of the evaluation decision.

- 二十九、 評議決定確定後，就其事件，有拘束各單位之效力；原措施單位應依評議決定確實執行。原措施經撤銷後，作成原措施之單位須重為措施者，應依評議決定意旨為之，並將處理情形以書面告知申評會。

After the evaluation decision becomes final, it shall be binding on all units; the unit of the original measure shall faithfully implement the review decision.

After the original measure is revoked, the unit responsible for the original measure shall take a new measure in accordance with the review decision and shall inform the Appeal Committee in writing of the handling.

- 三十、 依本要點規定所為之申訴說明及應具備之書件應以中文書寫；其書件係引述外文者，應譯成中文，並應附原外文資料。

因申訴所提出之資料，以錄音帶、錄影帶、電子郵件提出者，應檢附文字抄本，並應載明其取得之時間、地點，及其無非法盜錄、截取之聲明。

The explanations and documents required for appeals under these guidelines shall be written in Chinese; if documents in a foreign language are cited, they shall be translated into Chinese and the original foreign language materials shall be attached.

For materials submitted in the form of audio tapes, video tapes, or emails, a written copy shall be attached, and it shall be stated when and where they were obtained, and a declaration shall be made that they were not illegally recorded or intercepted.

- 三十一、 本校軍訓教官申訴案件，準用本要點規定。如有未盡事宜，得參酌教育部高級中等以上學校軍訓教官申訴處理作業規定辦理。

The guidelines shall apply to appeals by military training instructors of the university. If there are any matters not covered, the regulations for handling appeals by military training instructors of senior secondary schools and above formulated by the Ministry of Education

may be referred to for handling.

三十二、 對申評會於程序進行中所為之程序上處置不服者，應併同評議決定依法提起救濟。

If there are objections to the procedural dispositions made by the Appeals Committee during the process, remedies shall be sought in accordance with the law together with the review decision.

三十三、 本要點經校務會議審議通過後，自公布日起實施，修正時亦同。

After being reviewed and approved by the University Council, the Guidelines shall be implemented from the date of publication, and the same applies to amendments.