

## **TKU Regulations on the Organization and Appeal Process for the Student Appeal Review Committee**

Secretariat Regulation No. 1010000006 (02/10/2012)

MOE Approval No. 1000240113 (01/04/2012)

MOE Approval No. 1000225411 (12/14/2011)

Amended in Administrative Affairs Meeting (11/04/2011)

### **Article 1**

The Student Appeal Review Committee (herein referred to as “This Committee”) was established in accordance with Article 33 (point four) of the University Act and Article 20 of the *TKU Rules and Regulations Governing Organizations* to ensure students’ rights in the areas of student learning, lifestyle, and the right to receive instruction. The task of This Committee is to review appeal cases submitted by students, student associations, and any other autonomous student organizations.

### **Article 2**

Students, student associations, or other related autonomous student organizations (hereafter referred to as “The Appellant”) that are dissatisfied with punishments issued or other measures or resolutions made by TKU, believing such decisions to be illegal or unreasonable, or to have breached their rights, may – after exhausting all regular administrative forms of recourse without result – submit an appeal to This Committee in accordance with this set of regulations.

Those referred to as “students” (above) are those who possess student status at the time in which the punishment, measure, or resolution is made.

### **Article 3**

This Committee is to be composed of one nominated teacher from each college; four to six professionals selected by the TKU President from the fields of medicine, law, sociology, psychology, and counseling, etc.; and four student representatives recommended by the TKU Student Association. Out of these student representatives, at least one must be a master’s student or above.

The number of teachers in the Committee who do not simultaneously hold an administrative position must account for no less than one-half of the total number of Committee members. The proportion of either gender represented in the Committee must equate to at least one-third of the overall number of Committee members. Based

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on the nature of the appeal case, related experts may be employed temporarily to serve as information consultants. Teacher members of the Committee must nominate one Committee member (a professor or associate professor) to serve as Committee Convener.

The term of service for teachers and professional representatives on the Committee is one year. Each year, an election is held to select half of the places on the Committee. Those who are re-elected may continue to serve on the Committee.

Committee members from the Student Rewards and Sanctions Committee or other personnel responsible for deciding or investigating students' rewards or punishments are not permitted to simultaneously serve on This Committee.

The Committee must appoint one person to serve as the Executive Secretary, and to handle all related administrative matters. This person is nominated by the Convener and employed by the TKU President.

#### **Article 4**

Those who do not accept the punishment issued or the measure or resolution made by TKU must submit a written appeal to The Committee within 10 days of the day after receiving notification of the punishment, measure, or resolution.

If The Appellant is late in submitting the appeal due to the occurrence of a natural disaster or any other reason that is in no way attributable to The Appellant, he / she must submit the written appeal (stating reasons for the delay) within 10 days of the lifting of these extenuating circumstances. However, the maximum time limit for delayed appeals is one year.

#### **Article 5**

The Letter of Appeal should state The Appellant's name, student number, department, address, phone number, facts related to the appeal, reasons for appeal, and desired outcome(s). It should be affixed with related documents and evidence, and should be submitted to The Committee. In special circumstances, The Appellant must describe the situation to the person responsible for processing the appeal. This person will then record the description in official document format and gain the signature of The Appellant. The layout of the Letter of Appeal is shown in Appendage 1.

#### **Article 6**

As a principle, The Committee's review process for submitted appeals must be confidential. When holding the review, The Appellant, the related department / office, or any other associated people will be notified and asked to be at the hearing to provide explanations or opinions.

#### **Article 7**

Within 30 days of the day after receiving a Letter of Appeal, The Committee must have completed the process of review. If necessary, The Committee may receive an extension on this 30-day time limit, but must notify The Appellant of such extensions. Only one extension may be granted, with an extension time limit of two months. However, in the case of appeals relating to expulsion, the removal of student status, or other such punishments, the time limit for review cannot to be extended. If The Committee believes that the Letter of Appeal does not meet the stipulated requirements and that this discrepancy can be rectified, it must request that the Appellant redress the problem within seven days. This period of modification will be deducted from the allotted time period for review.

#### **Article 8**

The Committee must uphold the principles of equity and justice, conduct the review in accordance with related TKU regulations, and draft a "Outcome of Appeal Letter", which must be signed by the Committee Convener. The process of review, decisions reached, and individual opinions expressed by Committee members must be kept confidential. In appeal cases regarding student privacy, The Appellant's personal information should also remain classified.

#### **Article 9**

The "Outcome of Appeal Letter" must comprise a section describing the complaint, a list of case facts and reasons for the appeal, and must be set out in the format demonstrated in Appendage 2. Appeals that are not processed or accepted should also be documented in an abridged Outcome of Appeal Letter. In this truncated version, the list of case facts may be omitted. The Outcome of Appeal Letter must inform appellants of forms of recourse available if they do not accept the appeal decision.

#### **Article 10**

An Appellant may lodge a maximum of one such appeal. However, if they come across new evidence or proof, they may submit an appeal again.

#### **Article 11**

If the Appellant is caught making false claims or submitting forged evidence, he / she will be referred to the Student Rewards and Sanctions Committee for punishment.

### **Article 12**

Members of The Committee who are themselves involved in an appeal case must actively avoid taking part in such cases in a Committee member capacity.

### **Article 13**

If an appeal case requires further investigation or inquiry, a motion must be passed by The Committee, and an “Investigation Panel” comprising three to five appointed Committee members must be established. In appeal cases involving campus-based sexual assault, sexual harassment, or sexual bullying, where the nature of such cases corresponds to Article 28 (point 2) of the Gender Equity Education Act, the case will be dealt with in accordance with related regulations from the Act.

### **Article 14**

At any time before the Outcome of Appeal Letter has been completed, The Appellant may cancel the appeal.

### **Article 15**

After the appeal is submitted, if The Appellant lodges an official appeal (with the MOE) or initiates legal action, he / she must notify TKU in writing. TKU will then inform The Committee. After being notified of The Appellant’s decision to pursue further action, The Committee must suspend the appeal process and inform The Appellant of this suspension. After the circumstances that prompted the suspension of the case dissipate, and after The Appellant submits a written request to continue the appeal process, the review will continue and the Appellant will be notified. If the entire appeal case or certain parts of its verdict are contingent on the outcome of an official appeal or legal case, The Committee must suspend the review process (while the official appeal or legal case is pending) and notify The Appellant in writing. After the circumstances that prompted the suspension of the case dissipate, the review may continue and The Appellant must be notified in writing.

The above-outlined rules, however, do not apply to those who are appealing to overturn punishments such as expulsion, removal of student status, or other such penalties.

### **Article 16**

Before a verdict is finalized in appeal cases related to student expulsion, removal of student status, or other such penalties, TKU may – of its own accord or through written application by The Appellant – allow The Appellant to remain enrolled and continue his / her studies.

After receiving such a request from an Appellant, TKU should obtain the opinion of The Committee, and carefully consider the student’s lifestyle and study habits. It should respond to the Appellant’s request within 7 days with a written decision that clearly states the student’s status and all related rights and responsibilities.

Students who receive permission to continue their studies while the appeal case is pending must be treated in the same manner as regular students: their grades evaluated in the same way, and student rewards and sanctions calculated in the same way. The only exception is that such students will not be conferred with a graduation certificate.

#### **Article 17**

After passing through The Committees’ various procedures, the Outcome of Appeal Letter must be approved by the TKU President and then sent to The Appellant. When the Letter is sent to the President for approval, the original department, office, or committee that issued the punishment, or passed the measure or resolution must be informed of the outcome of the appeal. If this department, office, or committee believes that the outcome contradicts related laws or that its implementation is impractical, it must compile a written report that clearly states all related facts and reasons (in the time limit specified in related regulations), and submit this report to the TKU President. A copy must also be sent to The Committee.

If the President feels that the facts and reasons stated in the report warrant further enquiry, the case will again be submitted for appeal. However, this process of further appeal may only occur once.

After the outcome of the appeal is approved, the related department, office, or committee must implement its resolutions. Students who were expelled, had their student status removed, or received any other such punishment, and whose punishment was upheld in the appeal review process will be subject to the following regulations:

1. The “Proof of Study” certificate, showing the date until when the student was still enrolled, will be marked with the date of the original punishment.

2. A certificate of proof of credits obtained must be issued to The Appellant for credits received during the appeal process.

3. Within 30 days of the appeal outcome being finalized, male students intending to undertake compulsory military service must register their names in the “List of Students Whose Reason for Suspended Military Service is No Longer Applicable”.

4. The standards for refunding tuition fees should be based on Article 8 of the Tuition and Fee Regulations for Junior Colleges and Institutions of Higher Education and Article 15 of the Miscellaneous Fee Regulations for Junior Colleges and Institutes of Higher Education.

### **Article 18**

If the Appellant does not accept the outcome of the appeal, within 30 days of the day after receiving the appeal outcome, he / she may file an official appeal with the Ministry of Education. To do so, they must prepare a Letter of Appeal and a copy of TKU’s Outcome of Appeal Letter.

After receiving a copy of the official Letter of Appeal (mentioned directly above), TKU must promptly provide a Statement of Defense and submit all related documents to the MOE.

### **Article 19**

If a student lodges an appeal against a punishment issued or a measure or resolution passed and the student does not accept the outcome of the appeal, he / she may then file an official appeal in accordance with the nature of the case and related laws and seek further recourse.

### **Article 20**

If the official appeal (filed with the MOE) overturns the original appeal (lodged with TKU) and the student is allowed to return to TKU but, due to special circumstances, is unable to enroll for study in time, TKU will assist the student in enrolling. If the student is a male student who has already started the compulsory term of military service, his place should be held until the military service ends. After completing military service, such students should receive priority assistance in re-enrollment. For their time away from TKU before re-enrolling, such students must apply for deferment of study.

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**Article 21**

The system of student appeal should be outlined in the Student Handbook, and must be widely publicized to allow students to better understand the function of the appeal system.

**Article 22**

This set of regulations will take effect on the date of its publication after being passed in a TKU administrative affairs meeting and approved by the MOE. The same applies to any later amendments made.