

臺北基督學院教師申訴評議委員會組織及評議辦法

Organization and Review Procedure of Faculty Appeals Council of Christ's College Taipei

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第一章 總則

Chapter 1 General Rules

第一條 臺北基督學院（以下簡稱本校）為保障教師權益、促進校園和諧，依「大學法」第二十二條、「教師法」第二十九條、教育部「教師申訴評議委員會組織及評議準則」第五條及本校組織規程第八條之規定設置「教師申訴評議委員會」（以下簡稱申評會），並訂定本要點。

Article I For the protection of Faculty members' rights and interests and the promotion of campus harmony, this Guideline is hereby established by Christ's College Taipei (hereafter abbreviated as the "College") in accordance with the regulations of Article XXII of University Law, Article XXIX of Teachers' Act, Article V of MOE "Organization and Review Guidelines of Teacher Appeals Committee" and the "Faculty Appeals Council" (hereafter abbreviated as the "Council") defined by Article VIII of "Organization Regulation of Christ's College Taipei".

第二條 身為一基督博雅學院，我們依據聖經原則處理學校各樣事務(辦校信念第二條)，聖經積極的教導我們必須互相原諒與相愛的生活在一起(倫理價值與標準，準則 1)，因此身為基督徒教師我們致力於遵守下列原則。我們追求榮耀神，保持愛心、憐憫、與饒恕的態度。我們會為自己導致衝突的態度與習慣負責，並對我們所造成的傷害尋求彌補。我們溫柔地挽回，不要去計較別人的小過犯，如果過錯太嚴重無法忽略的話，要私下跟他們和善地談論。當衝突無法私下解決時，可以尋求其他基督徒教師的幫助以聖經方式來解決。我們要積極地跟其他基督徒教師尋求真正的和睦與饒恕，並在彼此的差異上尋求顧及雙方的利益的解決方案。(引用原則從 The Peacemaker, Ken Sande, 2004)

Article II As a Christian liberal arts college, we seek to administer the college in accordance with the principles of Scripture. (CCT Governing Values, #2) The Scriptures positively teaches that we should live together with mutual forgiveness and love (CCT Ethical Values and Standards, #1). Therefore, as Christian faculty we commit to the following principles. We will seek to glorify God by maintaining a loving,

merciful and forgiving attitude. We will take responsibility for our own attitudes and habits that lead to conflict and seek to repair any harm we have caused. We will gently restore others by overlooking minor offenses or will talk personally and graciously to those whose offenses seem too serious to overlook. When a conflict cannot be resolved in private, we will ask other Christian faculty members to help us settle the matter in a biblical manner. We will seek reconciliation with our fellow Christian faculty members by actively pursuing genuine peace, forgiveness and just and mutually beneficial solutions to our differences (principles from The Peacemaker, Ken Sande, 2004).

第 三 條 本校專任教師對學校有關其個人之措施，認為違法或不當，致損害權益者，得提出申訴。

Article III When any of the full-time faculty members of the College believes that the College's administrative measure(s) is (are) unlawful or inappropriate and, consequently, has (have) unfairly affected his or her rights, he or she has the rights to appeal to Faculty Appeals Council.

第 二 章 組 織

Chapter 2 Organization

第 四 條 申評會置委員五人，由下列人士組成：

Article IV The appeals council consisting of five (5) members of following qualified individuals:

一、教師代表：由本校推選教師代表三人。

1. Faculty representatives: Three are elected by the college as faculty-representative council member.

二、教育學者代表：由校長遴聘校內或校外教育學者一人。

2. Education scholar representative: An education-specialist scholar from within or outside of the College shall be selected by the President of the College as education-scholar representative council member.

三、地區教師組織或分會推派代表一人。

3. One is appointed by the District Faculty Organization.

前項委員中，未兼行政職務之教師不得少於委員總額三分之二；任一性別委員應占委員總額三分之一以上。

Two thirds or more of the council members in the preceding sentences must not have administrative responsibilities. The established Council must meet the requirement of that members of either gender should account for more than one-third of the total

number of members.

必要時，得就申訴案件之性質臨時增聘有關之專家一至二人為委員。

校教師評審委員會委員不得擔任申評會委員。

When necessary, one or two experts with experience and expertise in the area(s) of the appeals case should be appointed as temporary council members. Members of Faculty Evaluation Committee must not be appointed to the Faculty Appeals Council.

第五條 申評會委員為無給職（校外人士得支給出席費及交通費），任期二年，連選得連任。

Article V Members of Faculty Appeals Council receive no additional incomes pertinent to their council responsibilities. External council members shall be compensated for their attendances to the council meetings; and, their transportation expenses shall be reimbursed. The appointment term for each council member is two years. When one is re-elected, his or her term shall be renewed.

申評會委員因故出缺時，依原推選方式補足，繼任委員之任期至原任期屆滿之日止。臨時增聘委員之任期以各申訴案件之會期為限

When a council member vacates due to any reason, the vacancy shall be filled according to the original selection method for such member. The succeeding council member shall be active for the remaining term of the original council member.

第六條 申評會委員會議，由校長或其指定之人員召集之。

Article VI The Faculty Appeals Council meetings shall be convened by the President of the College or his/her delegated representative.

委員會議經委員二分之一以上之書面請求，召集人應於二十日內召集之。

When more than half of the council members request for a meeting in writing, the convener must call for a meeting within twenty (20) days.

第七條 本會置執行秘書一人，由人事暨行政室主任擔任之，負責處理本會業務。

Article VII The Council shall appoint the Director of Human Resources and Administration as its Executive Secretary who shall be responsible for the administration of the Council's business.

第八條 委員會議第一次開會時，由委員互選一人擔任會議主席，任期一年，連選得連任，校長不得為主席。

Article VIII When the first Council meeting convenes, the Council members shall elect a member as its Chairman. The term of the chairmanship is one year and renewable upon being re-elected. The President of the College is not eligible for the chairmanship of the Council.

會議主席因故不能主持會議時，由其指定委員一人代理主席，其不能指定或未指定時，得由與會委員推選臨時主席一人主持之。

When the Chairman of the Council becomes absent and cannot chair a council meeting, a Council member should be appointed by the Chairman as a temporary substitute chairman for such a meeting. When the Chairman of the Council cannot appoint a substitute chairman, the Council members shall elect a member as the temporary substitute chairman of such as meeting.

第九條 申評會委員會議應有委員三分之二以上出席，始得開會；評議決定應經出席委員三分之二以上同意行之；其他事項之決議以出席委員過半數之同意行之。迴避之委員不計入出席委員人數。

Article IX To convene a Council meeting, more than two thirds of the Council members must be present. All review resolutions pertinent to appealing matters must be passed by more than two thirds of the attending Council members in order to become effective. Other resolutions must be passed by more than half of the attending Council members. The Council member(s) who disqualifies (disqualify) himself/herself (themselves) due to conflict of interests is (are) not accounted toward the total number of attending Council members.

申評會之評議決定，以無記名表決方式為之，其評議經過及個別委員意見應對外嚴守秘密。

The review resolution shall be voted by secret ballot. The deliberation process and the opinion of each Council member must be strictly kept as confidential information.

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。

The result of the secret ballot pertinent to appealing matter in the preceding paragraph must be clearly recorded in the Council meeting minutes of such a meeting. The ballots must be sealed immediately on site; and the signature of auditing Council member, who is elected by the Chairman and Council members, shall be kept safely by the Council.

- 第十條 申評會委員於申訴案件有利害關係者，應自行迴避，不得參與評議。
- Article X Any Council member who has the conflict of interests pertinent to the appeal case must disqualify himself/herself and cannot participate in the review and appraisal. 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。
- When any Council member is proven to be bias against the appellant, the appellant must present the causes and facts to the Council in order to disqualify such a Council member.
- 前項聲請，由委員會議決議之。
- Such said claim(s) in the preceding paragraph must be deliberated by the Council meeting.
- 申評會委員於評議程序中，除經委員會議決議外，不得與當事人、代表其利益之人或利害關係人為程序外之接觸。
- Unless authorized by the Council's resolution, any Council member, during the review and appraisal process, must not contact the appellant, his/her representative(s) or interested person(s).

第三章 管轄

Chapter 3 Jurisdiction

- 第十一條 教師對於學校之措施不服者，向本會提起申訴；如不服決定者，向教育部之申評會提起再申訴。
- Article XI When a faculty member disagrees with the College's measures, he/she should appeal to the Council. If the faculty member disagrees with the Council's decision, he/she can re-appeal to the Faculty Appeals Committee of MOE.
- 第十二條 本校不服申訴決定，提起再申訴者，應比照前點管轄等級為之。
- Article XII If the College disagrees with the Council's decision and wants to re-appeal the case, College must proceed according to the jurisdiction in the preceding article.

第四章 申訴之提起

Chapter 4 Appeal Submission

- 第十三條 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；再申訴應於申訴評議書達到之次日起三十日內以書面為之。
- Article XIII An appeal must be filed within thirty (30) days from the day after the faculty

member receives or notices the specific measure. A re-appeal must be filed within thirty (30) days from the day after the faculty member receives the Council's decision letter.

學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 College must provide the Council's written finding or decision to the appellant using one of the delivery methods with confirmation of receipt. The notification day is the date of receipt.

第十四條 申訴應具申訴書，載明下列事項，由申訴人署名，並應檢附原措施文書、有關之文件及證據：

Article IX In addition to copies of the original official measure document and relevant documents and evidences, the appeal must be compiled with a completed appeal application form that contains the appellant's signature and following information:

- 一、申訴人姓名、出生年月日、身分證明文件號碼、服務學校及職稱、住居所、電話。
 - I. The name, date of birth, National ID No., resident address and phone number of the appellant as well as the name of the Institution and job title.
- 二、有代理人或代表人者，其姓名、出生年月日、身分證明文件號碼、住居所、電話。
 - II. If appealing through a representative or legal agent, the name, date of birth, National ID No., resident address and phone number of such a representative must be included.
- 三、為原措施之單位或主管教育行政機關。
 - III. The department associated with the measure or the government authority in education.
- 四、收受或知悉措施之年月日、申訴之事實及理由。
 - IV. Receipt date or the date of notification and the reason and facts for the appeal.
- 五、希望獲得之具體補救。
 - V. The anticipated specific remedy (remedies).
- 六、提起申訴之年月日。
 - VI. The appeal date in the appeal application.
- 七、受理申訴之學校或主管機關教師申訴評議委員會。
 - VII. The Faculty Appeal Council of the College or MOE Faculty Appeal Committee.
- 八、載明就本申訴事件有無提起訴願、訴訟。
 - VIII. Describing whether the case has been appealed or litigated.

再申訴時，應另檢附原申訴書、原申訴評議書，並敘明其受送達之時間及方式。申訴案件之相關行政事務由人事室協助辦理。

When re-appealing, the initial appeal application form and the initial Council's decision letter with receipt date and delivery method must be attached. The relevant administrative matters pertinent to the appeal case shall be assisted and processed by Human Resources Office.

第十五條 申評會對於不合前條規定之申訴，得通知申訴人於二十日內補正。屆期未補正者，得視情形駁回申請或逕為評議。

Article XV Should there be any inconsistency with the required stipulations in the preceding article; the Council shall notify the appellant to submit all supplements or corrections within twenty (20) days. Should the appellant fail to provide supplements and/or corrections before the deadline, the Council shall either reject the appeal or proceed with deliberation.

第五章 申訴評議

Chapter 5 Appeal Deliberation and Decision

第十六條 本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資料，通知為原措施之單位提出說明。

Article XVI The Council should notify the department associated with the measure, in writing, with copies of appeal application form and all relevant information within ten (10) days from the day after the receipt date of the appeal application.

原措施之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本會，並應將說明書抄送申訴人，逾期本會得逕為評議。但為原措施之單位認申訴為有理由者，得自行撤銷或變更原措施，並函知本會以為處理之參考。本會亦得視情形建議原措施單位暫停原措施之執行。

The department associated with the measure should provide the Council the detailed explanation and relevant documents within twenty (20) days from the day after receiving the notification from the Council; and, copies should also be sent to the appellant. After deadline, the Council shall proceed with the deliberation of the appeal. However, if the department associated with the measure finds the appealed measure be appropriate, the department should correct or modify the original measure accordingly; and, the Council should be notified with the change(s) as reference.

Thereafter, the Council shall recommend the department associated with the measure to suspend the implementation of its original measure.

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，本會無須評議，應即終結，並以書面通知申訴人、原措施之單位或主管教育行政機關。

申訴人撤回申訴後，不得就同一原因事實重行提起申訴。

After the initiation of an appeal, the appellant shall have the option to withdraw it prior to receiving the Council's decision letter.

When an appeal is withdrawn, the Council shall not proceed with the deliberation and must end the case; and the appellant, the department associated with the measure (or the education authority) shall be notified accordingly.

After an appeal is withdrawn by the appellant, he/she shall not be allowed to appeal the same measure.

第十七條 本會認申訴人之申訴為無理由者，應為駁回之評議決定；認其為有理由者，應為有理由之評議決定，並於評議書主文中載明補救之措施。

Article XVII When the appeal is determined to be irrational, the rejection of the appeal shall be the Council's decision. When the appeal is determined to be reasonable by the Council, the Council's decision letter for the appeal shall describe the details of remedy pertinent to the measure.

第十八條 委員會議不公開舉行，但得經委員會議決議通知申訴人及關係人到會說明。

申訴人得申請於本會評議時到場說明；經本會委員會議決議同意後，得通知申訴人或申訴人偕同輔佐人一人到場陳述意見。

Article XVIII The Council shall review the appeal in closed door session(s). However, the Council may vote on whether to invite the appellant or the relevant individuals to make a presentation during the meeting(s). The appellant may request for the permission to attend the review/ deliberation meeting in order to make in-person explanations. Should such a request is voted for by the majority of Council members, the appellant or appellant with his/her assistant shall be allowed to attend the Council meeting after receiving the notice from the Council.

第六章 評議決定

Chapter 6 Council's Decision

第十九條 本會收件後，除有應不受理或停止評議情形，逕行以書面通知申訴人外，自收受申訴書之次日起，應於三個月內作成評議決定。但因特殊事由有延長之必要者，得由會議主席裁定延長，最長不得逾兩個月，並應通知申訴人。

Article XIX With exceptions of non-acceptable appeal or discontinuation of an appeal, the Council shall notify, in writing, the appellant the receipt of his/her appeal application; and, the Council's decision shall be made within three (3) months from the day after the receipt date of the appeal application. However, should any special circumstance occur, the Council Chairman shall make a decision to postpone the deadline for making the Council's decision for up to two (2) months; and, the appellant shall be notified of such postponement.

申訴人於前項期間依第十五條規定補正申請書者，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；依第二十一條規定停止評議者，自繼續評議之日起重行起算。

When the appellant submits the requested supplemental and/or corrective documents to the Council according to the rules of Article XV, the timeframe in the preceding article shall start from the day after the receipt date of the supplemental and/or corrective documents. When the appellant fails to submit the requested supplemental and/or corrective documents to the Council by the deadline, the timeframe in the preceding article shall start from the day after the deadline for submitting the requested documents. According to the rules of Article XXI regarding the discontinuation of the appeal, the timeframe shall start from the day of re-starting date of the appeal.

第二十條 申訴案件有下列各款情形之一者，應為不受理之評議決定：

Article XX Any appeal, which belongs to one of following categories, will not be accepted by the Council.

一、提起申訴逾第十三條規定之期間。

I. The submission date of the appeal application is after the deadlines specified in Article XIII.

二、申訴人不適格。

II. Unqualified appellant.

三、非屬教師權益事項。

III. The measure is not related to Faculty's rights or interests.

四、原措施已不存在或依申訴已無補救實益。

IV. The original measure does not exist any longer or the appeal will not result in any real benefits.

五、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。

V. The appeal is the same as i) an appeal that has been deliberated by the Council previously or ii) an appeal that has been withdrawn by the appellant.

第二十一條 提起申訴之教師就申訴案件或相牽連之事件，同時或先後另行提起訴願、行政訴訟、民事或刑事訴訟者，應即以書面通知本會。

Article XXI When the appellant concurrently files an administrative lawsuit, a civil lawsuit and/or a criminal lawsuit, which is (are) directly or indirectly related to his/her appeal to the Council, he/she must inform the Council in writing.

本會知有前項情形時，應停止評議，並以書面通知申訴人；非經停止原因消滅，並經申訴人書面請求，本會不再繼續評議。

When the Council receives such a notification as described in the preceding paragraph, the Council must discontinue the appeal process and inform the appellant such a discontinuation. The Council shall not re-start the appeal unless the reasons for discontinuation are eliminated and the appellant requests for re-starting the appeal in writing.

申訴案件全部或一部之評議決定，以訴願或訴訟之法律關係是否成立為前提者，本會於該訴願或訴訟程序終結前，應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，應繼續評議，並以書面通知當事人。

For the review and decision of the appeal case, either entirely or partially, the lawsuit's (lawsuits') validity is the prerequisite. The Council must discontinue the review and deliberation of the appeal prior to the conclusion of the relevant lawsuit(s); and, the appellant shall be notified of the discontinuation in writing. When the reasons for discontinuation are eliminated, the Council should re-start the review and deliberation of the appeal; and, the appellant shall be notified accordingly in writing

第二十二條 申評會委員會議，應詳細審酌申訴案件之經過，客觀考量申訴人所受損害及希望獲得之補救、雙方之理由、對公益之影響及其他相關情形，而為公平妥適之評議決定。

Article XXII During the Council meeting, the history of the appeal case must be reviewed in details. In order to make an impartial decision, the Council members must objectively consider i) the purported damages or harms exerted on the appellant and the appellant's compensation claim, ii) both parties' reasons and arguments, iii) the effects of public interests and iv) other related matters.

必要時，並得推派代表調閱卷證，研析事實，或為其他調查之行為，以供本會評議之參考。

If necessary, the Council shall appoint representatives to obtain and review the evidences/documents, study the facts or conduct investigations; and, the resulting reports shall be provided to the Council as references.

第二十三條 申評會評議之案件，應製作評議紀錄附卷，委員於評議中所持與評議決定不同之意見，經其請求者，應列入委員會會議紀錄。

Article XXIII The case file of an appeal must contain the review and deliberation record as an attachment. When a Council member, who votes against the majority, requests the inclusion of his/her opposition opinion, such information must be included in the case file.

第二十四條 評議書應載明下列事項：

Article XXIV The Council's decision letter must contain following items:

一、申訴人姓名、出生年月日、身分證明文件號碼、服務單位及職稱、住居所、電話。

I. The name, date of birth, National ID No., resident address and phone number of the appellant as well as the name of the Institution and job title.

二、有代理人或代表人者，其姓名、出生年月日、身分證明文件號碼、住居所、電話。

II. If appealing through a representative or legal agent, the name, date of birth, National ID No., resident address and phone number of such a representative must be included.

三、為原措施之單位或主管教育行政機關。

III. The department associated with the measure or the government authority in education.

四、主文、事實及理由。但其係不受理決定者，得不記載事實。

IV. Leading paragraph, facts and reasons. When the appeal is not accepted by the Council, the decision letter does not contain facts.

五、申評會主席署名。主席因故不能執行職務者，由代理主席署名，並記載其事由。

V. The Council's decision letter shall be signed by Council Chairman. Should the Council Chairman be absent and cannot carry out his/her duty, the Council's decision letter shall be signed by the substitute chairman; and, the substitute signature shall be noted accordingly.

六、評議書作成之年月日。

VI. The date of the Council's decision letter.

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，向中央主管機關之申訴評議委員會提起再申訴」。但不得提再申訴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，向該管機關提起訴願或訴訟。

The Council's decision letter must contain a notice paragraph of "If the Council's decision is disagreed by the appellant, he/she must file an appeal to the Faculty Appeal Committee of the Central-government authority in education (MOE)" within thirty (30) days from the day after the receipt date of Council's decision letter.

When the appellant is not allowed to file a re-appeal or the Council's decision letter is for a re-appeal, the letter must contain a notice informing the appellant the rights to file a lawsuit, within the required timeframe, with government authority according to the rules of the relevant laws.

第二十五條 前條之評議書送請校長以學校名義發文，連同該評議書之正本，以郵務送達證書送達申訴人、原措施單位及教育部、該地區教師組織及有關機關。

Article XXV The Council's decision letter in the preceding article shall be submitted to the President of the College for official issuances to the appellant, the department associated with the measure, Ministry of Education, local district teachers association and other related government agencies via ROC Certified Mail.

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。

When an appeal is filed by a representative or legal agent, the Council's decision letter shall be sent to such a representative or legal agent unless such permission is disallowed by the appellant. When there are two or more representatives and/or legal

agents, the Council's decision shall be sent to only one of those individuals.

第二十六條 評議決定有下列各款情事之一者，即為確定：

Article XXVI When the Council's decision meets one of the following condition, it shall become final.

一、申訴人及原措施單位於評議書送達之次日起三十日內均未提起再申訴。

I. The appellant or the department associated with the measure fails to re-appeal the Council's decision within thirty (30) days from the day after the receipt date of the decision letter.

二、再申訴評議書已送達於再申訴人及原措施單位。

II. The re-appeal decision letter issued by the Council has been delivered to and received by the appellant and the department associated with the measure.

三、依第十一條規定提起申訴，其評議書送達申訴人。

III. The Council's decision letter has been received by the appellant; and, the appellant has filed the re-appeal according to rules of Article XI.

第二十七條 評議決定確定後，各相關單位應依評議決定確實執行。

Article XXVII When the Council's decision becomes final, each related department must proceed and implement the decisions accordingly.

第七章 附則

Chapter VII Supplementary Articles

第二十八條 依本辦法規定之申訴說明及應具備之書件應以中文書寫；其書件引述外文者，應譯成中文，並應附原外文資料。

Article XXVIII According to the rules of the Procedure, the appeal explanations/ reasons and the required documents must be in Chinese; and, all of attached foreign-language references, which should be submitted as attachment(s), must be translated to Chinese.

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。

When the appeal application submission contains voice/sound recording, video recording or electronic mail, their Chinese transcripts must be attached. All transcripts must contain the time of recording, the location

and necessary disclaimers regarding copyright non-infringement...etc.

第二十九條 本要點未盡事宜，悉依教育部訂定之「教師申訴評議委員會組織及評議準則」之規定辦理。

Article XXIX Any matters, which have not been addressed by the Guideline, shall be administered according to the rules of MOE's "Organization and Review Guidelines of Teacher Appeals Committee"

第三十條 本要點經校務會議通過，陳請校長核定後施行。修正時亦同。

Article XXX The Guideline is deliberated and passed by the College Affairs Committee and submitted to the President for implementation. All revision shall be processed accordingly.