

國立中山大學教師解聘停聘或不續聘辦法

Regulations for Dismissal, Suspension, or Non-renewal of Appointment of Faculty of National Sun Yat-sen University

96.12.21本校96學年度第2次校務會議修正通過

Amended and approved at the 2nd University Affairs Council meeting of the 2007 academic year

101.10.19本校101學年度第1次校務會議修正通過

Amended and approved at the 1st University Affairs Council meeting of the 2012 academic year

103.06.06 102學年度第4次校務會議修正通過

Amended and approved at the 4th University Affairs Council meeting of the 2014 academic year

104.03.26本校第366次校教評會修正通過

Examined and approved at the 366th University Faculty Evaluation Committee meeting of the 2015 academic year

104.10.22本校第369次校教評會修正通過

Examined and approved at the 369th University Faculty Evaluation Committee meeting of the 2015 academic year

104.12.25 104學年度第2次校務會議修正通過

Amended and approved at the 2nd University Affairs Council meeting of the 2015 academic year

107.6.1 106學年度第4次校務會議修正通過

Amended and approved at the 4th University Affairs Council meeting of the 2018 academic year

第一條 國立中山大學（以下簡稱本校）為提昇教師榮譽，改進教學、研究與服務品質，依大學法第十九條及教師法第十四條之規定，訂定「國立中山大學教師解聘、停聘或不續聘辦法」。（以下簡稱本辦法）

I. In order to raise the sense of honor of teaching personnel and to improve the quality of lecturing, research, and service of National Sun Yat-sen University (hereinafter referred to as “NSYSU”), the “Regulations for Dismissal, Suspension, or Non-renewal of Appointment of Faculty of NSYSU” (hereinafter referred to as the “Regulations”) is thus formulated in accordance with Article 19 of “University Act” and Article 14 of “Teachers' Act”.

第二條 教師聘任後如教師法第十四條第一項各款情事之一者，得予解聘、停聘或不續聘。

Any dispute over interpretations of these regulations shall be resolved in the court of law base on the Chinese version.

II. Faculty members who involve themselves after appointment in matters stipulated in Paragraph 1 of Article 14 of "Teachers' Act" shall be dismissed, suspended, or denied appointment renewal.

前項解聘、停聘或不續聘之審查程序，悉依教師法第十四條規定辦理。

The reviewing procedure of dismissal, suspension, or non-renewal of appointment referred to in the preceding paragraph shall be handled in accordance with Paragraph 1 of Article 14 of "Teachers' Act".

教師涉有教師法第十四條第一項第八款或第九款情形者，人事室應於知悉一週內，循行政程序專案簽提校教評會。

Cases pertaining to faculty members involved in matters stipulated in Subparagraph 8 or 9, Paragraph 1 of Article 14 of "Teachers' Act" shall be delivered in accordance with administrative procedure by the Office of Personnel Service within one week from the day it becomes aware of the case directly to the University Faculty Evaluation Committee (hereinafter referred to as "UFEC") for review.

校教評會應於三週內召開會議審酌相關事證，經初步判定已屬「情節重大」，當事人應暫時離開教學現場以利調查程序之進行者，經審議通過後予以停聘，並靜候調查。經調查屬實者，由本校報教育部核准後，予以解聘。

The UFEC shall convene a meeting within three weeks from the date of receiving the case for deliberation of relevant documents and evidence. For cases that are determined preliminarily to be serious violation of the said provision and the faculty member involved needs to be inhibited from teaching momentarily to facilitate the proceeding of further investigation, the said faculty member shall be suspended first after the case being approved by the UFEC. The case shall then be subject to further investigations by relevant committees responsible for matters stipulated in the said provisions. If further investigations verify the occurrence of circumstances in the case,

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the case shall then be reported to and approved by the Ministry of Education to dismiss the transgressor.

第三條 教師聘任後如有下列情事之一者，不予續聘：

III. Faculty members who meet one of the conditions stipulated below shall not be granted an appointment renewal:

一、依本校教師評鑑辦法辦理評鑑，評鑑結果經校教師評審委員會決議未通過者。

1. Those who fail to pass the faculty performance evaluation in accordance with "Regulations for Faculty Performance Evaluation of NSYSU" and the evaluation result has been approved by the UFEC.

二、本辦法自實施日起新進專任之講師、助理教授、副教授，未於聘任後八年內通過第一次升等者。教師具下列情事者，得不計入八年年資計算，惟合計至多四年為限：

2. Lecturers, assistant professors, and associate professors who are appointed after the date these regulations come into effect and who fail to advance to the next professorship rank within eight (8) years from the date they are appointed. Cases concerning the conditions stipulated below shall discount up to four years the duration of time involved from the said eight years referred to in the preceding paragraph:

(一) 教師本人或配偶因懷孕生產(本人每次以二年計、配偶每次以一年計)。

(1) The faculty members themselves or their spouses thereof are pregnant or giving childbirth (two years at most each case for faculty members, one year at most each case for their spouses).

(二) 延長病假(帶職帶薪)期間。

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- (2) The faculty members are on an extended sick leave with pay.
- (三) 育嬰留職停薪、侍親留職停薪及因病留職停薪期間。
- (3) The faculty members are on an unpaid maternity leave, unpaid parent-caring leave, or unpaid sick leave.
- (四) 教師參與配合國家政策所推動之校級專案計畫，且事先提送校教評會核備，其計畫執行期間有具體績效並經相關權責單位審查後提送校教評會認可者，惟至多以三年為限。
- (4) In cases concerning faculty members participating in particular university-level research project that is recognized beforehand by relevant competent units within the university and that the project is carried out to support governmental policies, the time during which the said project is undertaken with solid performance may be discounted up to three years. Such cases shall need to be approved by the UFEC first.
- (五) 領有輕度或中度「身心障礙手冊」者得延後一年；領有重度(含)以上「身心障礙手冊」或「重大傷病卡」者得延後二年；如任職期間因遭遇重大變故而領有「身心障礙手冊」者，輕度或中度得延二年、重度(含)以上者，得延四年。
- (5) Faculty members who possess a Disability Identification with a mild or moderate degree may apply to extend one year. Those who possess a Disability Identification with a severe degree (or worse) or a Major Illness Card may apply to extend two years. Faculty members who suffer disastrous accident during their current appointment of professor rank and are issued a Disability Identification with a mild or moderate degree may apply to extend two year. Those who are thus issued a Disability Identification with a severe degree (or worse) may apply to extend four years.

第一項規定應明定於聘約中。

Any dispute over interpretations of these regulations shall be resolved in the court of law base on the Chinese version.

Provisions stipulated in Paragraph 1 shall be clearly specified in the employment contract.

第一項第二款所稱「實施日」係指本辦法於民國八十八年十二月三日第一次臨時校務會議通過之實施日期；所稱「八年」期間以到職年月起計，第一年聘期未滿一年者，不計入八年年資計算。

The said “date these regulations come into effect” stipulated in Subparagraph 2 of Paragraph 1 refers to December 3rd., 1999 on which date the first temporary University Affairs Council meeting of that academic year approved these regulations. The said “eight years” period stipulated in the same subparagraph starts from the month of the date they reported to the Office of Personnel Services for duty. Cases concerning faculty members whose first year of appointment with an appointment term less than one year shall have the first year discounted toward the said eight years.

第四條 本辦法未規定者，適用大學法、教師法及相關辦法之規定。

IV. Matters not covered by these regulations shall be subject to the provisions of “University Act”, “Teachers’ Act”, and relevant laws and regulations.

第五條 本辦法經校務會議通過後施行，修正時亦同。

V. These regulations have been approved by the University Affairs Council for implementation. Amendments to these regulations shall follow the same procedure.

Any dispute over interpretations of these regulations shall be resolved in the court of law base on the Chinese version.