

# 銘傳大學教師違反送審教師資格規定及學術倫理案件處理要點

中華民國107年1月5日法規審查會通過  
中華民國107年1月15日校教師評審委員會修正通過  
(原教師著作抄襲及違反送審教師資格規定處理要點)

- 第一條 本校為維護學術尊嚴，防範教師著作抄襲、剽竊或其他舞弊情事及違反送審教師資格規定等事件，並公正處理相關案件，特依據教育部頒訂之「專科以上學校教師違反送審教師資格規定處理原則」，訂定本要點。
- 第二條 本要點所稱違反送審教師資格規定或學術倫理案件，係指被檢舉人有下列情事之一：  
一、教師資格審查履歷表、合著人證明故意登載不實、代表作未確實填載為合著及繳交合著人證明、未適當引註、未經註明授權而重複發表、未註明其部分內容為已發表之成果或著作者。  
二、學、經歷證件、成就證明、專門著作已為刊物接受將定期發表之證明、合著人證明為偽造、變造、以違法或不當手段影響論文之審查者。  
三、著作或學術成果、作品、展演及技術報告有抄襲、剽竊、造假、變造或其他舞弊情事者。  
四、送審教師資格以外之學術成果涉及違反學術倫理、抄襲、剽竊或其他舞弊情事者。  
五、送審人或經由他人有請託、關說、利誘、威脅或其他干擾審查人或審查程序情節嚴重者。
- 第三條 檢舉教師違反本要點案件之審理單位為校教師評審委員會(以下簡稱校教評會)，系(所)及院教評會須協助檢舉案件之審查及查證事宜。各級教評會於審議檢舉案件時應本公正、客觀、嚴謹之原則處理，並以保密方式為之，避免檢舉人及被檢舉人曝光。
- 第四條 檢舉教師違反本要點所定事項者，應以書面具體載明違反當事人名稱、事實、內容、檢舉人聯絡電話及通訊地址、經簽名蓋章並檢附相關證明文件，向人力資源處提出，經向檢舉人查證確為其所檢舉，或有相當事證經校長交辦者，應即進入處理程序。對於化名、匿名、以非真實之聯絡方式或其他非有具體對象及充分舉證之檢舉案，一概不予處理。
- 第五條 經受理之檢舉案件進入處理程序後，由人力資源處處長將檢舉事項內容通知被檢舉教師，於十四日內針對檢舉內容提出書面答辯。並轉送請校教師評審委員會(以下簡稱校教評會)議決委請本校學術審議委員會(以下簡稱學審會)組成「審理小組」查證並認定之。
- 第六條 審理小組委員為五人以上，學術副校長、教務長、被檢舉人所屬學院院長為當然委員，學審會執行長為小組召集人，其餘委員由學審會執行長自學審會委員遴選相關領域學者組成之，委員中應含法律專家學者，必要時得聘請校外公正專家學者參與。
- 第七條 審理小組或校教評會召開相關會議時，應有成員或委員三分之二以上(含)出席方得開會，出席成員或委員二分之一以上(含)同意方得決議。投票以無記名方式為之。必要時得於會議中邀請當事人或其所屬單位主管列席說明。  
審議檢舉案時，委員中有應行迴避情事者，不計入該項決議案之出席人數。
- 第八條 審理小組處理第二條第一款及第二款所定情事時，應會同相關系(所)、學院查證並認定後，提送校教評會審議。
- 第九條 審理小組處理第二條第三款及第四款檢舉案件時，應將檢舉內容併同被檢舉人之答辯書交由學審會送請該專業領域之三位校外學者專家進行審查。該檢舉案件如屬教師資格審查或升等案時，除送原審查人再審查外，必要時，得加送相關學者專家一至三人審查，以為相互核對，並應尊重該專業領域之判斷。審查人及學者專家身分應予保密。  
審查人及學者專家審理後必須提出審查報告書，作為審理小組處理之依據。  
審理小組依前項規定審查完竣後，必要時得請被檢舉人於程序中再提出口頭答辯。  
審理小組審議遇有判斷困難之情事時，得列舉待澄清之事項請原審查人及相關學者專家再為審查，並提出再審查報告，作為進一步判斷之依據。
- 第十條 於受理教師資格審查案件期間，發現送審人有第二條第五款所定情事時，應與受干擾之審查人取得聯繫並作成通聯紀錄，送經校教評會相關人員查證後，提報校教評會審議。

第十一條 審查人身分應予保密，如與被檢舉人有下列關係者，應予迴避：

- 一、現為或曾有指導學位論文之師生關係。
- 二、配偶、前配偶、四親等內之血親或三親等內之姻親，或曾有此關係。
- 三、近三年發表論文或研究成果之共同參與研究者或共同著作人。
- 四、審查該案件時共同執行研究計畫。
- 五、現為或曾為被檢舉人之訴訟代理人或輔佐人。

被檢舉人得申請下列人員迴避：

- 一、有前項所定之情形而不自行迴避者。
  - 二、有具體事證足認其執行職務有偏頗之虞者。
- 審理案件人員有前二項情形者，審理小組或校教評會應依職權命其迴避。  
委託送請審查之專家學者，其迴避準用本要點規定。

第十二條 審理小組應於接獲檢舉之日起四個月內作成具體調查報告，並彙整審查人意見及相關調查資料送校教評會議決教師是否違反本要點所定事項，所涉違反學術倫理行為之著作、作品、展演及技術報告如為正在升等審查中，應與升等審查過程併案處理。但案情複雜、窒礙難行及寒、暑假之情形，其處理期間得延長二個月，並應通知檢舉人及被檢舉人。

教評會應於審議後十日內，將處理結果及理由以書面通知檢舉人、被檢舉人及其所屬單位。被檢舉人若有不服，得於接獲通知之次日起三十日內以書面檢具理由向本校教師申訴評議委員會提出申訴，申訴以一次為限。

校教評會開會時，必要時得邀請被檢舉人列席提出口頭答辯。

第十三條 校教評會如確認被檢舉人有違反本要點所定事項證據確切時，得依下列各類規定作成具體處分：

- 一、第二條第一款情事者，一年至五年不受理其教師資格審定之申請。
- 二、第二條第二款情事者，七年至十年不受理其教師資格審定之申請。
- 三、第二條第三款情事者，五年至七年不受理其教師資格審定之申請。
- 四、第二條第四款情事者，得按其情節輕重為下列處分：

- (一)解聘、停聘或不續聘。
- (二)一年至五年不受理其教師資格審定之申請。
- (三)一年至五年內不得晉薪或晉年功薪。
- (四)五年內不得申請休假研究。
- (五)三年內不得申請研究成果獎勵。
- (六)報請教育部註銷自該等級起之教師資格證書。
- (七)追回以該著作獲得之相關獎助費。
- (八)取消各項津貼，並不得兼任主管職務。
- (九)兼任教師應予解聘。
- (十)其他適當之懲處措施。

五、第二條第五款情事者，停止其資格審查程序並駁回，二年不受理其教師資格審定之申請。

第十四條 違反本要點第二條第一款至第四款所定事項案件，經校教評會懲處確定後，應將審議程序及處理結果報教育部備查，不因受處分人提出申訴或行政爭訟而暫緩執行；如無確切證據足資認定被檢舉人違反規定時，校教評會應將調查結果以書面通知檢舉人，並副知被檢舉人及其所屬單位。

校教評會對違反本要點之懲處，除報教育部備查外：

- 一、如涉及解聘、停聘或不續聘時，其決議經校長核定後，應依教師法第十四之一條規定自決議作成之日起十日內報請教育部核准。
- 二、於本校受理教師資格審查期間，被檢舉人不得申請撤回資格審查案，且該案直接認定為不通過案。
- 三、如教師資格經教育部審定者，報請教育部撤銷該等級之教師資格。

第十五條 檢舉人若再次提出檢舉時應有具體新事證方得受理，並提送校教評會審議。校教評會經審議再次檢舉內容，發現無具體新事證者，得依前次審議決定逕復檢舉人；有具體新事證者，校教評會應依本

要點進行調查及處理。

檢舉人若仍有不服，得經司法程序尋求解決，該案除經司法判決，本校不再另行處理。

- 第 十六 條 檢舉案如經確認屬故意不實之不法檢舉，該檢舉人如屬本校教職員工，得依情節輕重，移送本校相關單位懲處，濫行檢舉情節重大者，應公布檢舉人之姓名。若檢舉人非本校人士，則由本校公告週知，或函知其服務單位建議給予適當之懲處。
- 第 十七 條 涉嫌違反本要點所定事項案件，未經證實成立前，處理過程應以秘密方式為之。對檢舉人及審查人之身分應確實保密，被檢舉人除被證實確有違反規定外，亦應對其身分加以保密。
- 第 十八 條 本要點若有未盡事宜，悉依「專科以上學校教師違反送審教師資格規定處理原則」、「專科以上學校學術倫理案件處理原則」，及相關法令辦理。
- 第 十九 條 本要點經校教師評審委員會通過，校長核定後實施，修正時亦同。

## **Ming Chuan University Procedures for Dealing with Teacher Qualification Screening Violations and Academic Ethics Cases**

Revised and passed at the Regulation Review Committee on January 5, 2018

Revised and passed at the Faculty Hiring and Promotion Committee Meeting on January 15, 2018

- Article 1. These guidelines were established to maintain the academic dignity of the institution, to prevent faculty plagiarism and teacher qualification violations, and to fairly deal with plagiarism cases. These guidelines are in accordance with Ministry of Education Guidelines for Dealing with Teachers' Qualification Screening Violations at Junior Colleges or other Institutions of Higher Education.
- Article 2. Teacher qualification screening violations and academic ethics cases stated in these regulations indicate the individual is being investigated for violation of any of the following:
1. The individual deliberately includes false information in teacher qualification resume or in collaborator verification, fails to report representative work as collaborative work or has not submitted a collaborator statement, fails to cite literature references appropriately, republishes materials without authorization, gives no indication of contents that included published results.
  2. Any of the individual's degree certificates, certificates of work experience, proofs of achievements, or specialized publication is proven to be forged, altered, or to have employed illegal or improper means to influence a paper's review.
  3. Any of the individual's publications or academic results, works, performances or technical reports is proven to be pirated, plagiarized, a counterfeit work or an altered work.
  4. Any other academic result beyond the teacher qualification is proven to be pirated, plagiarized, a counterfeit work or an altered work.
  5. The applicant or other person acting on the applicant's behalf seriously asks, lobbies, tempts with enticements, threatens, or otherwise interferes with reviewers or review procedures.
- Article 3. Faculty Hiring and Promotion Committee will handle those cases which violate articles mentioned in this procedure and the School Faculty Hiring and Promotion Committee shall assist in reviewing and verifying cases. Faculty Hiring and Promotion Committee at each level should follow the principle of fairness, objectivity, and care to manage cases. To avoid exposure of both the accuser and the accused, the review process should be kept completely confidential.
- Article 4. When reporting violations, person(s) making reports should provide the Human Resources Division with their contact phone number and address, a written statement of accused individuals' names, facts, and contents, and additional relevant evidence with their signature(s) and seal(s). After it has been confirmed the person making the report has a case or the president has determined a situation exists which merits investigation, the case should be processed as a violation matter. Anonymously reported cases, or cases reported under an alias or a name established to be different than that of the person making the report will not be processed.
- Article 5. When accepted violation cases have begun to be processed, the content of the report should be provided for the individual accused of violation by the Human Resources Division. The individual being accused may submit a written defense responding to the content of the report within 14 days. The written defense should be sent to the University Faculty Hiring and Promotion Committee which will in turn request the University Faculty Review and Evaluation Committee to establish a Hearing and Review Subcommittee to process the case.
- Article 6. There must be more than five members on the Hearing and Review Subcommittee, with the Vice President for Academic Affairs, Dean of Academic Affairs and the Dean of the accused individual's School as ex-officio members. The executive officer of the University Faculty Review and Evaluation Committee serves as the convener of the Hearing Subcommittee and he/she is to recruit other members from among those who have been appointed to the University Faculty Review and Evaluation Committee. Members should include academicians specializing in law; impartial external scholars may be contracted when necessary.
- Article 7. The committee meetings of the University Faculty Hiring and Promotion Committee or the Hearing and Review Subcommittee may only begin when two thirds of committee members are present, and resolutions will only be valid with two thirds or more of the total members' agreement. Resolutions are

reached through anonymous voting. Should the need arise, the individual who is accused or the administrator of his or her unit may be invited to attend the meeting to provide explanation. When reviewing cases, once a committee member is related to the accused individual or to the case and needs to excuse him/herself from the final resolution meeting, that committee member will not count toward quorum.

- Article 8. If a violation of Clause 1 or 2 of Article 2 is found, the investigation of the violation will be sent to the University Faculty Hiring and Promotion Committee for review once it has been confirmed through proof by the related department and School that the violation has occurred.
- Article 9. When processing reported violations of Article 2, Clause 3 or 4 has begun, the Hearing and Review Subcommittee should submit the contents of reported cases and the written defense from the accused individual to three off-campus experts for review. If the publications, works or technical reports used in applying for teacher qualification and promotion involve cheating or plagiarism, the original reviewer should review the case again and if necessary, cases should be submitted for double-checking by one to three scholars in a relevant field, and their professional judgment be respected. The identity of the reviewers and scholars must remain strictly confidential. The investigator should submit the second Review Report to the Hearing and Review Subcommittee for reference. Should the need arise, the individual being investigated may be invited to present verbal defense during the investigation process. If difficulties are encountered making a judgment, the Hearing and Review Subcommittee may submit the list of unresolved issues to the original reviewer and another expert to review the case. The investigator should submit the Review Report to the Hearing and Review Subcommittee for reference.
- Article 10. If any violation of Article 2, Clause 5 is found during the process of screening the teacher qualification, the reviewer should be contacted and the contact record should be in writing. The investigation of the violation will be conducted by the relevant investigator before reporting to the University Faculty Hiring and Promotion Committee.
- Article 11. The identity of reviewers must remain strictly confidential. If a reviewer is in any of following relationships with the accused individual, he or she should refrain from becoming involved with the review.
1. The reviewer has or has had student-instructor relationship with the accused.
  2. The reviewer is spouse, former spouse, is a relative by blood within the fourth degree, is or was a relative by marriage within the third degree to the accused.
  3. The reviewer is a co-researcher or co-author for a publication or research result within the past three years.
  4. The reviewer is a co-executor of a research project.
  5. The reviewer is or was the legal guardian or agent of the accused.
- The accused individual can apply to have anyone who meets the following conditions excused from being a reviewer:
1. Anyone who meets any of the abovementioned conditions but did not refrain from becoming involved with the review.
  2. With the specific evidence that there is bias in the reviewer's handling of these matters. Hearing and Review Subcommittee and Faculty Hiring and Promotion Committee should order a reviewer to not participate in a review meeting should the reviewer meet either of the 2 conditions mentioned above.
- Article 12. The Hearing and Review Subcommittee should compile the opinions of reviewers and other relevant information, and submit the review report to the University Faculty Hiring and Promotion Committee for resolution within four months of the day the case was reported. If the publications, works or technical reports used in application for promotion involve violation of academic ethic, the violation case should be merged with the promotion case. In the case of complicated cases, the review period can be extended for up to two months. The person reporting the case and individual under investigation should both be notified. The University Faculty Hiring and Promotion Committee shall notify the person who reports the case, the individual being investigated, and his or her unit of the processing result and reasons in writing within ten days after the case was heard. If the individual being accused of is not satisfied with the

result, he or she may apply for a second review to the University Faculty Appeal and Review Committee within 30 days of receiving the notification. Such an appeal is limited to one time only. Should the need arise, the individual being investigated may be invited to attend the University Faculty Hiring and Promotion Committee Meeting to present a verbal defense.

Article 13. Once it has been proven by the University Faculty Hiring and Promotion Committee that a violation has occurred, individuals charged with violation will be disciplined in one of the following ways, depending on the situation.

1. Individual who violates Article 2, Clause 1: No application to review qualifications will be accepted for the coming one to five years.
2. Individual who violates Article 2, Clause 2: No application to review qualifications will be accepted for the coming seven to ten years.
3. Individual who violates Article 2, Clause 3: No application to review qualifications will be accepted for the coming five to seven years.
4. Depending on the situation, an individual who violates Article 2, Clause 4 will be disciplined in one of the following ways:
  - (1) Contract will be terminated, suspended, or not renewed.
  - (2) No application to review qualifications will be accepted for the coming one to five years.
  - (3) Seniority pay increase or extended salary rank will be denied for one to five years.
  - (4) Sabbatical leave will be denied for five years.
  - (5) Permission to apply for Research/Study Reward will be denied for three years.
  - (6) Case will be reported to the Ministry of Education and teacher certificate of current level cancelled.
  - (7) Scholarships or awards related to publication will be required to be returned.
  - (8) All types of allowances will be cancelled. Appointment to positions as academic/administrative directors will be denied.
  - (9) Part-time faculty members shall be dismissed.
  - (10) Other appropriate discipline.
5. Individuals who violate Article 2, Clause 5: All review procedures will immediately cease, the application dismissed, and no application to review qualifications will be accepted for the coming two years.

Article 14. Once the discipline for violation of Article 2, Clause 1 to 4 has been decided by the University Faculty Hiring and Promotion Committee, all the review procedures and handling results should be reported to the Ministry of Education; the discipline will not be suspended or revoked on the grounds that the accused individual is appealing the case or an administrative dispute has occurred. If the reported case of violation lacks sufficient proof, the University Faculty Hiring and Promotion Committee will notify the person who reported the case with a written report of the investigation, and notify the individual accused of violation and his or her unit.

After University Faculty Hiring and Promotion Committee decides on the final result for discipline, besides reporting to the Ministry of Education for approval, the Committee must also:

1. Report to the Ministry of Education if the discipline for violation involve suspension of employment, dismissal, or termination of service. After approved by the president, the case should be reported to the Ministry of Education in accordance with Article 14-1 of the Faculty Employment Law for approval within ten days of the resolution.
2. Note that during the period of review, the accused individual cannot apply to withdraw the application, and the application will be directly considered a failed application.
3. Report to the Ministry of Education if the accused individual already possesses the Ministry of Education teacher qualification. The Committee should report to the Ministry of Education for revoking the qualification.

Article 15. If the person who reported the case makes a new accusation, it must be submitted to the University Faculty Hiring and Promotion Committee with new and concrete evidence. If no concrete evidence is proven to be true, the accusation will remain the same. If the evidence is proven to be true, the case will be investigated and dealt with according to these guidelines. If the person who reports the case is not satisfied with the investigation, he or she can pursue the case through a court of law. Unless a judgment is made in a court of law on the case, the institution will not further process the case.

- Article 16. If it is established a case has been deliberately falsely reported, and that the person making the report is a faculty member at this institution, he or she will be reported to the related unit and punished in accordance with the situation. In a case of severe false accusation, the name of the informant will be publicized. If the person making the report does not belong to the university, the institution will notify the unit to which he or she belongs so that appropriate punishment can be enacted.
- Article 17. Procedures should be conducted confidentially until the violation case has been established. The identity of the person reporting the violation case, the person investigating the case, and the person under investigation must remain confidential unless the case against the accused person is proven to be false.
- Article 18. Matters not covered in these guidelines will be dealt with in accordance with the Ministry of Education Guidelines for Dealing with Teachers' Qualification Screening Violations at Junior Colleges or other Institutions of Higher Education and Provisions for Handling Academic Ethics Cases at Higher Education Institutions.
- Article 19. Upon being passed at the University Faculty Hiring and Promotion Committee Meeting and approved by the president, these guidelines were implemented. Any revision must follow the same procedure.

**\*\*In the event of any inconsistency or discrepancy between the Chinese and other language versions of this document, the Chinese version shall prevail.\*\***