

文藻外語大學教師輔導與管教學生辦法

Guidelines for Teachers' Guidance and Discipline of Students

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Ratified by the President on July 24, 2015

第一條 依據教師法第十七條規定及教育部「學校訂定教師輔導與管教學生辦法注意事項」，特訂定「文藻外語大學教師輔導與管教學生辦法」(以下簡稱本辦法)。1. Guidelines for Teachers' Guidance and Discipline of Students" (hereinafter "the Guidelines") are enacted in accordance with Article 17 of the Teachers' Act and "Notices for Schools To Enable The Guidelines for Teachers' Guidance and Discipline of Students" by the Ministry of Education.

第二條 教師輔導與管教學生應依本辦法之規定辦理。本辦法未規定者，適用其他相關法令。2. Teacher's guidance and discipline of students should follow the regulations as stipulated in these Guidelines. Matters not covered in the Guidelines should be governed by other relevant laws and regulations.

第三條 本辦法適用對象如下：

- 一、本校教師及其他教育人員。
- 二、教育人員包括兼任教師、代理教師、代課教師、教官、實習教師及行政人員等。

3. The Guidelines are applicable for:

1. Teachers and other educators in the university.
2. Educators refer to part-time teachers, long-term and short-term substitute teachers, military instructors, teaching interns and administrators.

第四條 教師輔導與管教學生應符合下列之目的：

- 一、培養學生熱愛生命、樂於溝通、具有基督服務領導精神之特質。
- 二、維護校園安全，避免學生受到霸凌及危害。
- 三、維護教學秩序，確保教學及學校教育活動之正常進行。

4. The Guidelines should meet the following objectives:

1. To encourage students to be passionate about life, to be willing to communicate and to cultivate students' spirit of servant-leadership.
2. To maintain campus safety and keep students safe from bullying or other dangers.
3. To maintain class order and ensure that instructional and educational activities on campus can be carried out.

第五條 教師輔導與管教學生時，應依下列原則處理：

- 一、教師輔導與管教學生，非有正當理由，不得為差別待遇。
- 二、教師採行之輔導與管教措施，應與學生違規行為之情節輕重相當，採取措施應有

助於目的之達成，並應選擇對學生權益損害較少者。

三、發揮教育愛心與耐心。

四、尊重學生人格尊嚴。

五、尊重學生之學習權、受教權、身體自主權及人格發展權。

六、重視學生身心發展之個別差異。

七、啟發學生自我察覺、自我省思及自制能力。

八、不因個人或少數人之錯誤而處罰全體學生。

九、除依法賠償對公務或他人物品之損害者，不得以對學生財產權之侵害（如罰錢等），作為輔導與管教之手段。

十、秉持公正及不公開原則。

5. Teachers should follow the following principles when guiding or disciplining students:

1. Without valid reason(s), there should be no differential treatment for teachers' guidance and discipline of students.
2. A teacher's guidance and discipline measures should take the severity of a student's misconduct into consideration. The measures taken that are able to meet the objectives and measures that are less damaging to the student's rights should be chosen.
3. Love and patience for education
4. Respect students' dignity.
5. Respect students' rights of learning, rights to education, and rights to body autonomy and personality development.
6. Pay attention to individual differences of students' physical and psychological development.
7. Inspire students to become self-aware, self-reflective and self-disciplined.
8. Do not punish all students for the mistake made by one student or a few students.
9. With the exception of the compensation for vandalism or damage to other's properties according to relevant laws and regulations, guidance and discipline should not involve damage to the student's property (such as fines).

10. Guidance and discipline should be fair, and should be kept confidential.

第六條 教師輔導與管教學生應審酌個別學生下列情況，以確保輔導與管教措施之合理及有效性：

一、行為之動機與目的。

二、行為之手段與行為時所受之外在情境影響。

三、行為違反義務之程度與所生之危險或損害。

四、學生之人格特質、身心健康狀況、生活狀況與家庭狀況等。

五、學生之品行、智識程度與平時表現。

六、行為後之態度。

6. The Guidelines should consider the state of each individual student to ensure that the measures are reasonable and effective:

1. The student's motivation and intention for the misconduct
2. The student's measure and circumstances that may have influenced the student to engage in the misconduct

3. The severity of the misconduct and the resulting danger or damage.
4. The student's personality, physical and psychological conditions, living conditions and family background
5. The student's behavioral conduct, intelligence and ordinary performance

6. The student's attitude after the misconduct

第七條 凡經學校或教師安排之教育活動，教師應負起輔導與管教學生之責任。7. Teachers are obligated to guide and discipline students in educational activities arranged by the school or by teachers.

第八條 教師應對學生實施生活、學習、生涯、心理與健康等各種輔導，唯涉及心理諮商專業領域時，教師應轉介本校學生事務處諮商輔導中心或其他相關單位協助。8. Teachers should provide various guidance and counseling related to students' life, learning, career, psychological and physical development, but when professional counseling is required for psychological counseling, the students should be referred to the Counseling Center of Student Affairs Office or other relevant office.

第九條 教師輔導與管教學生，應給予學生陳述意見之機會，瞭解學生行為動機與目的，並適當說明處罰所針對之違規行為及必要管教之理由，教師不得為情緒性或惡意性之管教。9. In guiding and disciplining students, teachers should provide students with opportunities to express their opinions and to understand the motivation and intention of the students' behavior. Teachers should also explain the punishment for the misconduct and the reasons for the punishment. Teachers should not engage in emotional or malicious disciplinary actions.

第十條 學生對教師之處罰措施得提出異議，教師認為有理由，可斟酌情形，調整所執行之處罰措施，必要時得將學生移請學生事務處處置。教師應依學生或其監護人之請求，說明處罰過程及理由。10. When students disagree with the disciplinary actions of the teacher and the reason is found to be valid, the teacher can reconsider the situation and modify the punishment. When necessary, the student may be referred to the Office of Student Affairs. Upon the request of the student or his/her legal guardian, the teacher should explain the disciplinary action and the reason for the action.

第十一條 教師因實施輔導與管教學生所獲得之個人或家庭資料，非依法律規定，不得對外公開或洩漏。11. Personal or family information obtained during the process of guiding and disciplining students should be kept confidential, except where otherwise specified by relevant laws and regulations.

第十二條 學生有下列行為之一者，教師應施予適當輔導與管教：

- 一、違反法律、法規命令、地方自治規章或校規。
- 二、妨害班級教學及學校教育活動之正常進行。
- 三、干擾或妨礙教學活動正常進行。
- 四、危害校園安全或是霸凌他人。
- 五、從事有害身心健康之行為者。
- 六、輔導與管教無效時，應轉介學校學生事務處或其它相關單位處理。

12. Teachers should provide suitable guidance and discipline if students engage in any of the following misconducts:

1. Violating laws, regulations, local regulations, autonomous regulations or university regulations
2. Hindering class instruction or educational activities of the university
3. Disrupting or interfering with class instruction
4. Affecting campus safety or bullying others

5. Engaging in activities that are damaging to student's physical and/or psychological well-being

6. When guidance and discipline are considered invalid, the student should be referred to the Office of Student Affairs or other agency.

第十三條 學生有下列行為，非立即對學生身體施加強制力，不能制止、排除或預防危害者，教師得採取必要之強制措施。

一、 攻擊教師或他人，毀損公物或他人物品，或有攻擊、毀損行為之虞時。

二、 自殺、自傷，或有自殺、自傷之虞時。

三、 有其他危害校園安全或個人生命、身體、自由或財產之行為或事實狀況。

13. Teachers may take necessary compulsory measures to stop students with physical force to remove danger or to prevent further damage when students are engaged in the following behaviors:

1. Attacking a teacher or others; destroying property; attacking or destroying things.

2. Attempting to commit suicide, attempting to injure oneself, or when teachers are concerned that students may attempt to do so.

3. Engaging in behavior that may affect campus safety or personal life, physical well-being, freedom or property.

第十四條 教師在輔導與管教學生過程中，知悉學生有施用或攜帶毒品、非法施用管制藥品或其他有害身心健康之物質、疑似家庭暴力、疑似性侵害、性騷擾或校園霸凌情事，應立即通報學校相關單位。14. During the process of guidance and discipline, if teachers become aware of the following: students have used or brought illicit drugs, illegal use of controlled substances or other substances with damaging psychological and/or physical effects, potential domestic violence, suspected sexual abuse and/or sexual harassment, or campus bullying, they should report it to the university immediately.

第十五條 教師輔導與管教學生應注意事項：

一、 不得有體罰學生之行為。

二、 應避免有誹謗、公然侮辱、恐嚇等構成犯罪之違法處罰行為。

三、 應避免有構成行政罰法律責任或國家賠償責任之行為。

四、 應避免有侵害學生權利，構成民事侵權行為損害賠償責任之行為。

15. Teachers should pay attention to the following when guiding and disciplining students:

1. No corporal punishment is allowed.

2. Illegal punishment including defamation, public insults or intimidation that may constitute crime should be avoided.

3. Behavior that may lead to administrative penalty or state compensation should be avoided.

4. Behavior that may infringe on a student's right or that may lead to civil liability should be avoided.

第十六條 學生對於教師或學校有關其個人之輔導與管教措施，認為違法或不當致損害其權益者，得依本校「學生申訴評議辦法」提出申訴。16. A student may submit grievances according to "Regulations for Student Grievance and Arbitration" if the student considers that the teacher's or the university's guidance and disciplinary actions are illegal or violate his/her individual rights.

第十七條 學生因違規事件受處分後，教師應追蹤輔導，並鼓勵其改過遷善，可依本校學生違規銷過實施要點，提出申請註銷處分紀錄。17. After a student has been subject to disciplinary actions after the misconduct, teachers should carry out follow-up guidance and encourage the student to reform himself/herself. According to the university's Student Repentance and Demerit Cancellation Enforcement Guidelines, students who have reformed themselves may

apply for repentance and demerit cancellation.

第十八條 本辦法送學生事務會議、行政會議審議，經校務會議通過，陳請校長核定後實施，修正時亦同。18. These Guidelines become effective after approval by Student Affairs Committee, Executive Committee, University Affairs Committee, and ratification by the President. Amendments should follow the same procedure.

為讓各班導師利於進行各項班級經營活動，以及安排校級或院級活動方便師生參加，每週三下午8、9節(15:00-17:00)不排課，規劃為「全校性共同時間」，104學年度第1學期「全校性共同時間」一覽表如附件。

To enable class mentors to carry out class management activities and to ensure that teachers and students can take part in university-level or school-level activities, no class is scheduled at 15:00-17:00 on Wednesdays as the slot is scheduled as the university shared slot. See attachment for university shared slot of the academic year of 2015.

除已公告之「全校性共同時間」校級活動外(內容請參閱附件)，其餘活動未事前通知並經該班導師同意，請勿強制班級或學生參加，以免影響班級事務之進行。

With the exception of scheduled university-level activities during university shared slot (see attachment), students should not be forced to attend the remaining activities unless otherwise agreed by the class mentor so as to minimize the effect on class management.

Explanation: 全校性共同時間有校級活動及院級活動，校級活動(例如成年禮、學務處排定宣導活動)是指定的學生必須強制參加，但不能跟校級活動衝突。

Explanation: University shared slot includes university-level and school-level activities. University-level activities (such as rite of passage and activities scheduled by the Office of Student Affairs) are compulsory for designated students and should not conflict with other university-level activities.