銘傳大學學術倫理管理實施辦法

106 年 11 月 6 日行政會議通過
110 年 4 月 26 日行政會議修正通過
111 年 11 月 14 日行政會議修正通過

第一條　本校為維護學術尊嚴，落實學術自律原則，並公正處理相關案件，特依「國家科學及技術委員會對研究人員學術倫理規範」、「國家科學及技術委員會學術倫理案件處理及審議要點」、「國家科學及技術委員會對學術倫理的聲明」及教育部「專科以上學校學術倫理案件處理原則」，訂定本辦法。

第二條　本辦法所述之教師係指專任及專案教師；所稱之研究人員係指專兼任研究助理、臨時工等參與計畫之研究人員。

第三條　學術倫理教育課程之修習，教師及研究人員應依「銘傳大學教師暨研究人員學術研究倫理教育課程實施要點」規定執行，學生應依「銘傳大學學術研究倫理修業實施要點」規定執行。

第四條　本辦法所稱違反學術倫理，指有下列情形之一：

一、造假：虛構不存在之申請資料、研究資料或研究成果。

二、變造：不實變更申請資料、研究資料或研究成果。

三、抄襲：援用他人之申請資料、研究資料或研究成果未註明出處。註明出處不當情節重大者，以抄襲論。

四、隱匿其部分內容為已發表之成果或著作。

五、未經註明而重複發表，致研究成果重複計算。

六、研究計畫或論文大幅引用自己已發表之著作，未適當引註。

七、以違法或不當手段影響論文審查。

八、違反相關法令。

九、其他違反學術倫理情事。

以上之檢舉，檢舉人應以真實姓名資料並檢具事證之檢舉書提出。匿名檢舉者，須有具體對象及充分事證，始得辦理。

第五條　涉嫌違反學術倫理之案件，應通知被檢舉人於 2 週內提出書面答辯。教師之處理由人力資源處受理，送教師評審委員會依「銘傳大學教師著作抄襲及違反送審教師資格規定處理要點」辦理，其餘之研究人員由研究發展處受理，送被檢舉人之所屬單位進行初步審議，並送交本校學術審議委員會組成「審理小組」查證並認定之。審查結果如認定違反學術倫理案成立時，應敘明違反類型，詳列事證並提出具體處分建議。

第六條　本校設審理小組，審理小組委員為五人以上，學審會執行長、研發長、相關學院院長為當然委員，學審會執行長為小組召集人，其餘委員由學審會委員推選之，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。

審理小組召開相關會議時，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。

第七條　案件審查應於收件之次日起 3 個月內完成，必要時得予延長，為延長時間以 2 個月為限。

第八條　審查結果應以書面方式通知被檢舉人。如認定違反學術倫理案成立時，應併通知相關單位進行後續處分：

一、被檢舉人為教師時，審查結果應送校級教師評審委員會議處。

二、被檢舉人為職員時，審查結果應送人評會議處。

三、被檢舉人為學生時，審查結果應送學生獎懲委員會議處，並依「銘傳大學博、碩士學位論文違反學術倫理案件處理規則」辦理。

第九條　依本辦法受理檢舉、參與調查或審議程序之人員，於調查程序中就所接觸資訊均應予保密。但案件涉及公共利益而本校有適切說明之必要者，不在此限。

第十條　審理小組委員與被檢舉人間有下列情形之一者，應自行迴避：

一、有行政程序法第三十二條所定情形之一者。

二、審查時任職同一系、所、科或單位者。

三、近三年曾有指導博士、碩士論文之師生關係者。

四、近二年發表論文或研究成果為共同作者。

五、審查時有共同執行研究計畫者。

六、依相關法規應予迴避者。

七、其他利害關係，經審理小組認定者。

第十一條　本校教師、研究人員及學生，如經本辦法認定違反學術倫理，致本校遭補助機構或第三人求償或受有其他損害時，應負全部之損害賠償責任。

第十二條　本辦法未盡事宜，依相關法規及本校相關規定辦理。

第十三條　本辦法經行政會議通過，校長核定後實施，修正時亦同。

Ming Chuan University Procedures for Managing Academic Ethics

Passed at the Administrative Council Meeting on November 6, 2017

Revised and Passed at the Administrative Council Meeting on April 26, 2021

Revised and Passed at the Administrative Council Meeting on November 14, 2022

Article 1 In order to maintain academic dignity, implement academic self-discipline policy and equitably handle relevant cases, these procedures were established in accordance with “Academic Ethics Guidelines for Researchers by the National Science and Technology Council,” “Guidelines of Handling and Review of Academic Ethics Cases by the National Science and Technology Council,” “Statement on Academic Ethics by the National Science and Technology Council,” and the Ministry of Education’s “Provisions for Handing Academic Ethics Cases at Higher Education Institutions.”

Article 2 Faculty referred to in these procedures are full-time and special program faculty members; Research personnel referred to are full- and part-time research assistants, as well as temporary workers who participate in projects.

Article 3 When taking academic ethics courses, faculty and research personnel should comply with relevant regulations stated in “Ming Chuan University Procedures for Academic Research Ethics Education Course Conducted for Faculty Members and Research Fellows” while students should comply with regulations stated in “Ming Chuan University Guidelines for Taking Academic Ethics Education Course.”

Article 4 Violation of academic ethics referred to in these procedures includes any of the following：

1. Fabrication: Fabricate non-existing data for an application, research data or research outcome.
2. Falsification: Forges data for an application, research data or research outcome.
3. Plagiarism: Use others’ data on the application, research data or research outcomes without citing sources. Serious improper citation is deemed as plagiarism.
4. Conceal the fact that part of the content is an already published outcome or is part of a publication.
5. Repeat publication or presentation without stating this or duplication in calculation of research outcomes.
6. Numerous citations of one’s own publications in a research project or thesis or failure to properly cite sources.

7. Influence thesis review with illegal or inappropriate measures.
8. Violate relevant laws.
9. Other act that violates academic ethics.

When reporting violations, person(s) making reports should provide their real name and attach evidence. Anonymous accusations will be handled only when there is a specific target and sufficient evidence.

Article 5 The person being accused of violating academic ethics should be informed to submit a written defense responding to the content of the report within two weeks. Human Resources Division handles faculty cases in accordance with “Ming Chuan University Guidelines for Dealing with Plagiarism and Teacher Qualification Screening Violations by Faculty Members,” while Research and Development Division handles cases of research personnel by sending the case to the original unit of the person being accused for preliminary review and then to a Hearing Subcommittee established by University Faculty Review and Evaluation Committee for investigation and verification, and final resolution. For confirmed cases of violating academic ethics, the violation type should be stated and detailed evidence attached, along with a concrete suggestion for punishment.

Article 6 The Hearing Subcommittee established by the University shall consist of five or more members. The Executive Director of the University Faculty Review and Evaluation Committee, the Executive Director of Research and Development Division, and Dean of the respective School are ex-officio members, while other members will be nominated and chosen by the University Faculty Review and Evaluation Committee. Members should include an academician specializing in law; scholars from off campus may be contracted when necessary.

A Hearing Subcommittee meeting may only be held when two thirds of committee members are present, and resolutions will only be valid when two thirds or more of the attending members agree. Resolutions are reached through anonymous voting. Should the need arise, the person who is accused or the administrator of his or her unit may be invited to attend the meeting to provide explanation.

Article 7 The case review report should be completed within three months of the day the case was received. The review period can be extended for up to two months when necessary.

Article 8 The person who reported the case shall be notified in writing about the processing result and reasons. When a violation of academic ethics is proved, relevant units should also be informed of further punishment：

1. When the person being accused is a faculty member, the results should be sent to University Faculty Hiring and Promotion Committee for punishment discussion.
2. When the person being accused is a staff member, the results should be sent to Employee Review Committee for punishment discussion.
3. When the person being accused is a student, the results should be sent to Student Awards and Punishment Committee for punishment discussion based on “Ming Chuan University Regulations for Dealing with Cases of Doctoral Dissertation or Master’s Thesis Violating Academic Ethics.”

Article 9 Personnel involved in the procedures of accepting cases, conducting investigation or review and discussion should maintain confidentiality of any information acquired during the investigation process. Exceptions will only be made when the case relates to public interest and requires proper explanation from the university.

Article10 If a member of the Hearing Subcommittee and the person being accused are in any of following relationships, he or she should refrain from becoming involved with the review.

1. Meet any of the conditions stated in Article 32 of Administrative Procedure Act.
2. Serve in the same department, graduate school, program or unit during investigation.
3. Student-instructor relationship for doctoral, master’s thesis within the recent three years.
4. Co-author relationship for thesis or research outcome within recent two years.
5. Conducting the same research project during review and investigation.
6. Others as specified in related regulations
7. Others with conflict of interest as recognized by the Hearing Subcommittee.

Article 11 Faculty, research personnel and students who have been proven to be in violation of academic ethics according to these procedures and cause claims from organizations that provide subsidies or other third parties or damages to the University are liable to pay compensation.

Article 12 Matters not covered in these procedures will be dealt with in accordance with relevant laws and relevant regulations of the University.

Article 13 Upon being passed at the Administrative Council Meeting and approved by the president, this organizational charter was 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.