

國立成功大學教學獎助生及勞務型兼任教學助理管理要點

NCKU Directions for Employing Students as Learning-based and Labor-based Teaching Assistants

104.07.15 第 784 次主管會報通過
Approved by the 784th meeting of the Chief Administrators on July 15, 2015
106.07.19 第 805 次主管會報修正通過
Revised and Approved by the 805th meeting of the Chief Administrators on July 19, 2017

- 一、國立成功大學(以下簡稱本校)為兼顧培育人才之目的，並保障學生學習與勞動權益，依教育部訂頒「專科以上學校獎助生權益保障指導原則」及勞動部「專科以上學校兼任助理勞動權益保障指導原則」，特訂定本要點。
1. According to *The Principles for Ensuring the Rights of Scholarship and Assistantship Student Recipients as Teaching Assistants at Institutions of Higher Education* promulgated by the Ministry of Education and *The Principles for Ensuring the Work Rights of Students as Assistants at Institutions of Higher Education* promulgated by the Ministry of Labor, NCKU Directions for Employing Students as Learning-based and Labor-based Teaching Assistants(hereinafter the Directions) are established by National Cheng Kung University (NCKU) to nurture talented students and protect their work-study rights as teaching assistants.
- 二、本校學生依研究生獎助學金實施辦法規定，參與教學及協助行政工作活動，依其性質分為如下：
- (一)教學獎助生：指獲教學獎助之學生參與屬專業養成範圍且其無選擇權之實習課程，或為接受專業教學實務能力技巧培養而參與學校正式學分課程，以提升教學專業或實務能力為目的者。
- (二)勞務型兼任教學助理：指擔任雙方存有提供勞務獲取報酬之工作事實，且具有對價之僱傭關係
本校各單位或教師進用學生時，應以書面或電子文件確認雙方關係為教學獎助生或勞務型兼任教學助理，並充分告知相關權利義務。
2. NCKU students work as teaching assistants to facilitate the administration and progress of relevant teaching activities according to *NCKU Regulations for Graduate Student Scholarship and Assistantship*. They are classified into two categories, as follows:
- (1) Learning-based Teaching Assistants: those who are required to engage in a designated internship course within a specialized academic field or in a regular credit course designated for cultivating practical and professional skills, in order to improve their teaching professionalism or practical abilities.
- (2) Labor-based Teaching Assistants: those who receive payments for their labor service with a quid pro quo management-labor relationship.
Any units or faculty members of NCKU who intend to employ students as teaching assistants shall confirm their TA status, rights and obligations which shall be specified in written documents.
- 三、教學獎助生所為課程學習範疇如下：
- (一)課程學習：指為課程之一部分，且依本校學則、研究生章程及相關規定，為課程、論文研究之所需，或為畢業之條件，所從事相關學習，如實習課程、田野調查課程、實

驗研究或其他學習活動。

(二) 未有學習活動以外之勞務提供或工作事實者。

3. Learning-based teaching assistants shall engage in activities within the following scope:

- (1) Curriculum learning: As a part of course requirement, assistants shall engage in course-related activities, such as an internship program, field study program, experiment or research project, as required for a designated course, thesis/dissertation writing, or graduation according to *NCKU Academic Regulations*, *NCKU Graduate Program Regulations* and relevant regulations.
- (2) Those activities in which they shall engage in learning without providing any labor service.

四、教學獎助生所修課程，應納入正式採計畢業學分之必、選修課程。該課程應依本校開課相關規定，經系院校等各級課程委員會規劃及審議程序，且校內學生代表參與比率不得少於全體會議人數十分之一。教學獎助生修課過程中應有指導教師授課或實際指導學生之行為。

Any course designated for a learning-based teaching assistant shall be included as a required or elective course with credits in the required curriculum for graduation. It shall be established according to the relevant curriculum regulations of NCKU and approved by curriculum committees at all levels of department, college and university. The number of student representatives to each committee shall reach a minimum of one-tenth of the total members. The course shall involve teaching activities or instruction conducted by the adviser.

五、教學獎助生所從事之學習活動，應符合下列原則：

- (一) 該學習活動應與本要點所定範疇有直接相關性為主要目的，並於授課或指導教師之指導下，經學生個人與指導教師同意為之。
- (二) 該學習活動應有明確對應之課程、教學實習活動等，並就其相關學習準則、評量方式、學分或畢業條件採計及獎助方式等予以明定並公告之。
- (三) 教師應有指導學生學習專業知識之行為。
- (四) 學生參與前開學習活動期間，得支領獎學金或必要之津貼或補助，支給標準依本校研究生獎助學金實施辦法規定辦理。
- (五) 學生參與學習活動之權益保障或相關保險，應予規範，除原有學生團體保險外，應比照勞動基準法規定職業災害補償額度，以加保商業保險方式增加其保障範圍。

5. Learning-based teaching assistants shall engage in any learning activities in conformity with the following principles:

- (1) The learning activity shall be conducted within the designated scope, as defined in the Directions, under the guidance of the instructor/academic adviser based on an agreement between the student and the academic adviser.
- (2) The learning activity shall involve a designated course, internship or the like. The regulations of the activity with regard to learning standards, evaluation, credits or graduation requirements, and rewards shall be specified and published.
- (3) The instructor shall act to provide students with professional knowledge in the activity.
- (4) Students who engage in these learning activities are entitled to receive scholarships, or relevant allowances/subsidies according to the criteria stipulated in *NCKU Regulations for Graduate Students Scholarship and Assistantship*.
- (5) The rights and related insurance coverage of students engaging in these activities shall be regulated. In addition to the NCKU student group insurance program, the instructor shall have students covered by any relevant commercial insurance to enhance their safety according to the regulations of the Labor Standards Act on compensation for occupational accidents.

六、教學獎助生於學習活動之相關研究成果之歸屬，依「專科以上學校獎助生權益保障指導

原則」第八點第三項規定辦理。

6. The ownership of research achievements produced by learning-based teaching assistants shall be administered according to the third paragraph of Point Three of *The Principles for Ensuring the Rights of Scholarship and Assistantship Student Recipients as Teaching Assistants at Institutions of Higher Education*.

七、教學獎助生對於學習指導所為之措施或處置，認為違法或不當致損害其權利或利益者，得依本校學生申訴評議委員會設置與申訴處理辦法規定，提起申訴。

7. Learning-based teaching assistants who have found irregularities or misconduct arising from any measures or actions taken in the instruction process that infringe upon their rights or interests may file an appeal according to *National Cheng Kung University Regulations Governing the Establishment and Administration of the Student Appeals Review Committee*.

八、勞務型兼任教學助理應完成校內聘僱程序始得僱用，於到職日完成僱用契約之簽訂，並辦理相關手續。

僱用契約得載明僱用聘期、工作內容、工作場所、工作時間、工作時數、薪資、差假、保險及相關權利義務等事項。

8. Labor-based teaching assistants shall not be employed until after the completion of all employment procedures at NCKU. They shall complete the signing of an employment contract and relevant procedures on the day when they report for work.

The contract shall specify employment conditions, including employment duration, job responsibilities, workplace, work schedule, working hours, salary, leave of absence, insurance and relevant rights and obligations.

九、勞務型兼任教學助理之工作酬勞，由僱用單位與兼任助理雙方協議，惟不得低於中央主管機關所核定之基本工資。

9. Payments to labor-based teaching assistants shall be negotiated between the employing unit (referring to any affiliated unit of NCKU) and the employed, which shall not be lower than the minimum wage designated by the competent central authority.

十、勞務型兼任教學助理到職時，僱用單位應依勞工保險條例、全民健康保險法、勞工退休金條例等規定，主動申辦加保(轉入)及提繳勞工退休金，其聘約期滿或中途離職時，亦應主動申辦退保(轉出)及停繳勞工退休金。

前項人員應自行負擔保費及自提勞工退休金，除有特殊情形外，原則由本校按月自薪資中代為扣繳。

未依第一項規定辦理，其所衍生之費用或違反相關法令規定所受裁罰，應由本校各僱用單位自行負責。

10. The employing unit shall take the initiative to complete its application for a labor-based teaching assistant to join or transfer into the labor insurance scheme according to the Labor Insurance Act, National Health Insurance Act and Labor Pension Act. In case of contract termination or resignation, the employer shall take the initiative to complete its application for the insured party to withdraw from the insurance scheme and suspend its payment for labor pension.

Assistants referred to in the preceding paragraph shall make monthly payments for their labor insurance premium and labor pension funds, which shall be deducted regularly from their salary by NCKU.

Any employing unit affiliated to NCKU failing to complete applications as required in the first paragraph shall be held accountable for any uncovered payments or penalties arising from law

violations.

十一、勞務型兼任教學助理請假或調移工作時間者，應事先辦妥請假或調班手續。如因疾病或緊急事故，應先口頭報告僱用單位，或委請他人補辦請假手續。

前項人員請假及出勤紀錄由僱用單位自行管理，並依勞動基準法規定，出勤紀錄應保存至少五年。

11. Labor-based teaching assistants shall complete their application for leave of absence or shift change before they are allowed. In case of illness or emergency, they shall make an oral report to the employing unit or entrust someone to help complete the application for leave of absence. Any matters concerning leave of absence and attendance records with these assistants shall be managed by the employing unit. Meanwhile, the employing unit shall keep worker attendance records for a minimum of five years according to the Labor Standards Act.

十二、勞務型兼任教學助理研究成果，其著作權及專利權之歸屬，除雙方另有約定外，均歸屬本校所有。

12. Except by special agreement, any intellectual property rights or patents for research achievements made by labor-based teaching assistants shall be owned by NCKU.

十三、勞務型兼任教學助理對於勞務監督所為之措施或處置，認為違法或不當致損害其權利或利益者，得依本校學生申訴評議委員會設置與申訴處理辦法規定，提起申訴。

13. Learning-based teaching assistants who have found irregularities or misconduct arising from any measures or actions taken in the instruction process that infringe upon their rights or interests may file an appeal according to *National Cheng Kung University Regulations Governing the Establishment and Administration of the Student Appeals Review Committee*.

十四、各單位進用身心障礙學生 擔任獎助生或勞務型兼任教學助理時，應參考身心障礙者權益保障法提供身障者多元支持之相關規定精神，並依特殊教育相關辦法及身心障礙學生個別化支持計畫相關措施辦理。

14. Any units of NCKU intending to employ students with a mental or/and physical disability as learning-based or labor-based teaching assistants should take into account the spirit of the relevant regulations providing multiple forms of support for the disabled, as stipulated in the People with Disabilities Rights Protection Act, to administer the employment according to related regulations for special education and individualized projects for the relevant students.

十五、教學獎助生及勞務型有關事項，本要點未規定者，準用其他有關法令規定。

15. Any matters concerning learning-based and labor-based teaching assistants that are not regulated in these Directions shall be administered according to the relevant regulations.

十六、本要點經主管會報通過後實施，修正時亦同。

16. These Directions shall be approved by the meeting of the Chief Administrators before taking effect. Any amendments shall be processed accordingly.

These regulations were translated from the original Chinese. In the event of any discrepancies between the two versions, the Chinese always takes precedence.