

元智大學研究獎助生暨兼任研究助理型態同意書

Letter of Consent Study and Employment Type of Adjunct Assistant of Planned Students in Yuan Ze University

※為了保障您的權益，請先確實詳細閱讀下面內容，並於勾選之型態下簽名※

To guarantee your rights and interests, please read the following contents carefully in details and check the signature under the type

型態 Type	<input type="checkbox"/> 研究獎助生(學習型) Study-type assistant	<input type="checkbox"/> 兼任研究助理(勞僱型) Employment-type assistant
相關處理原則 Relevant treatment principles	<p>1.教育部「專科以上學校獎助生權益保障處理原則」 “Principle of the Ministry of Education for strengthening the study and labor rights and interests guarantee of adjunct assistant of students in schools above junior college”.</p> <p>2.元智大學研究獎助生暨兼任研究助理權益保障處理要點 Key points to deal with the study and labor rights and interests guarantee of adjunct assistant of students in schools above junior college.</p>	<p>1.勞動部「專科以上學校兼任助理勞動權益保障指導原則」 “Guide principle of the Ministry of Labor of labor rights and interests guarantee of adjunct assistant in schools above junior college”.</p> <p>2.元智大學研究獎助生暨兼任研究助理權益保障處理要點 Key points to deal with the study and labor rights and interests guarantee of adjunct assistant of students in schools above junior college.</p>
定義 Definition	<p>屬課程學習或服務學習等以學習為主要目的及範疇，非有對價之僱傭關係。 It belongs to the course study or service study etc. with study as the main purpose and scope, and is not the employment relation with consideration.</p> <p>1.課程學習：課程、論文研究之一部分，或為畢業之條件。 Course study: a part of the course and thesis research, or a condition of graduation.</p> <p>2.服務學習：參與學校增進公益，不以獲取報酬為目的之輔助性服務。 Service study: the auxiliary service of participating in the school public benefit and for the purpose of not getting remuneration.</p>	<p>受學校僱用之學生兼任助理，並受學校或計畫主持人指揮監督，從事協助計畫工作，而以提供勞務獲致工資為目的者。 The student adjunct assistant employed by the school, and commanded and supervised by the school or project manager to assist the plan work, and obtain salary by providing labor.</p>
權利義務 Rights and obligations	<p>依本校學生及相關規定辦理(如:獎助生團體保險) As per the student and relevant provisions of the school.</p>	<p>依勞動基準法(以下稱勞基法)等勞動法令及本校相關規定辦理(如：享勞健保、勞退) As per the Labor Standard Act (LSA) and other labor decrees, as well as relevant provisions of the school (like labor health protection and labor retirement).</p>
研究成果歸屬 Attribution of research achievement	<p>1.指導教授僅為觀念指導，學生享有著作權(研究報告或學、碩、博士論文)；指導教授參與內容表達與學生共同完成報告，為共同享有著作權。 The advisor only provides the concept guidance, the students enjoy the copyright (research report, or bachelor, master and doctoral theses); the advisor participates in the content expression and jointly complete the report with students and jointly enjoy the copyright.</p> <p>2.研究成果依專利法第5條2項，除專利法另有規定或契約另有約定外，學生自身為發明人、新型創作人、設計人之情形，對其所得之研究成果享有專利申請權，得依同條第一項向專利專責機關申請專利。但他人(如指導教授)如對論文研究成果之產出有實質貢獻，該他人亦得列為共同發明人。 The research results follow Clause 5.2 of the Patent Law, except as otherwise stipulated in the Patent Law or the contract, if the students are the inventors, new utility creators and designers, the enjoy the patent application right for their own research achievements, and apply for patent to the patent authority as stipulated in Clause 1 of the same article. However, if others (like the advisor) have substantial contribution to the output of research achievements, they shall also be listed as the co-inventors.</p>	<p>協助或參與執行研究計畫所產出相關研究成果，依下列規定辦理： Relevant research results output for the assistance of or participation in the research plan shall comply with the following:</p> <p>1.依著作權法第 11 條規定，本校享有智慧財產權。 As specified in Article 11 of Copyright Act, the school enjoys the intellectual property right.</p> <p>2.依專利法第 7 條規定，研究成果之專利權歸屬本校。 As specified in Article 7 of Patent Act, the patent right of the research achievements shall belong to the school.</p>
兼任助理 同意簽名 Signature of adjunct assistant student	<p><input type="checkbox"/>已詳閱上述事項。</p> <p>本人同意擔任校內編號：RD_____計畫研究獎助生，並以約用助理簽到退系統記錄課程學習內容、參與計畫之紀錄及差勤，以備查核。 I have read the notes above. I agree to act as _____ plan study-type adjunct assistant, and record the course study contents, participate in the plan record and attendance with the agreed assistant sign-in system for filing.</p>	<p>1.同意恪遵勞動契約之約定並遵守本校計畫人員之相關規範。 如：應按實際工作時間親自辦理簽到退及中途離職應辦理離職手續等。 I agree to comply with the agreement in the labor contract and comply with relevant specifications of plan personnel of the school. For example, sign in and sign off in person according to the actual work time and handle leaving formalities in case of leaving in the middle way.</p> <p>2.同意勞務所生研究、教學或其他成果，係歸屬學校。 I agree that the research, teaching or other achievements generated by the labor shall belong to the</p>

	<p>兼任助理簽名 Signature：</p> <p>年(Year) 月(Month) 日(Date)</p>	<p>school.</p> <p>3.支領之工資，同意依本校及計畫補助單位規定報支。 For the salary received, I agree to report and make expenditure as specified by the school and the plan subsidy unit.</p> <p>4.外籍生應依就業服務法規定申請工作許可證。 The foreign students shall apply for the work permit as specified in the Employment Service Act.</p> <p>5. <input type="checkbox"/> 已詳閱上述事項。本人同意擔任校內編號：<u>RD</u> 勞僱型兼任助理。 I have read the notes above and agree to act as _____ plan the employment-type adjunct assistant.</p> <p>兼任助理簽名 Signature：</p> <p>年(Year) 月(Month) 日(Date)</p>
<p>計畫主持人同意簽名 Signature of principal investigator</p>	<p>1.該學習活動，應與課程學習或服務學習範疇有直接相關性為主要目的。 The study activity shall be directly related with the course study or service study scope.</p> <p>2.應有明確對應之課程、教學時實習活動、論文研究指導、研究或相關學習活動實施計劃。 The study activity shall be directly related with the course study or service study scope.</p> <p>3.教師應有指導學生學習專業知識之行為。 The teachers shall have professional knowledge and behaviors to guide the students.</p> <p>4. <input type="checkbox"/> 已詳閱上述事項。請同意申請研究獎助生。 I have read the notes above and agree to apply for the study-type adjunct assistant.</p> <p>計畫主持人簽名 Signature：</p> <p>年(Year) 月(Month) 日(Date)</p>	<p>1.勞僱型兼任助理適用勞基法，應遵守相關勞動法令及本校相關規定。 The employment-type adjunct assistant applies to LSA, and it is required to comply with relevant labor decrees and relevant provisions of the school.</p> <p>2.應於兼任助理到職前辦理勞(健)保事宜，並不得追溯聘期。 It is required to handle the labor (health) protection matters before the adjunct assistant takes on office, without tracing the employment period.</p> <p>3.工資、工時及延長工作時間應符合勞動法令規定，另工資、工時等勞動條件不得任意變更；勞僱型兼任助理依本校及勞基法規定應有出勤紀錄可稽。 The salary, work hours and extension of work time shall comply with the provisions of labor act, besides, the salary, work hours and other labor conditions may not be changed at will; the employment-type adjunct assistant shall have attendance record audited as specified by the school and LSA.</p> <p>4.勞僱型兼任助理聘期不得任意提前終止。如為勞基法第11條各款、第13條但書、第20條規定情事資遣者，應依規定期間預告、計算資遣費並於離職日14日前紙本送達人事室。 The employment period of the employment-type adjunct assistant may not be terminated in advance at will; notwithstanding Article a and Article 13 of LSA, in case of severance as specified in Article 20, it is required to notice and calculate the severance fee as specified and send notice to the personnel section in writing 14 days before leaving.</p> <p>5. <input type="checkbox"/> 已詳閱上述事項。請同意申請研究兼任助理。 I have read the notes above and agree to apply for the employment-type adjunct assistant.</p> <p>計畫主持人簽名 Signature：</p> <p>年(Year) 月(Month) 日(Date)</p>
<p>注意事項 Notice</p>	<p>※本同意書一式二份由雙方自存乙份，並上傳電子檔至 RD 線上約用審核系統。 This letter of consent is made in two copies, with each party holding one. The adjunct assistant student should upload document to the RD online application review system.</p>	<p>※本同意書一式二份由雙方自存乙份，並上傳約用申請表、勞動契約書電子檔至 RD 線上約用審核系統，由人事室辦理加保作業。 This letter of consent is made in two copies, each party holds one. The adjunct assistant student should upload application form and labor contract to the RD online application review system, and notice the personnel section for additional insurance procedure.</p>

備註：研究獎助生及兼任研究助理對於雙方關係之認定有爭議時，得於簽具本同意書之次日起 10 日內，向處理小組(學務處，分機 2238)提出申訴。

Remarks: in case of dispute of student adjunct assistant to the affirmation of relation between both parties, it is required to appeal to the treatment team (students affairs division, extension 2238) within 10 days from the next day of signing of this letter of consent.