

# Directions for the Establishment of National Tsing Hua University Faculty Appeals Committee

## I. General Principles

Article 1 The Faculty Appeals Committee (hereinafter referred to as the Committee) of National Tsing Hua University (hereinafter referred to as NTHU) is established in accordance with University Act, Teachers' Act, "Standards for the Organization and Review of Faculty Appeals Committee" of Ministry of Education, and Article 20 of NTHU Organizational Charter, to proceed the review and deliberation of NTHU faculty appeals.

## II. Organization

Article 2 The composition of the Committee shall consist of one male and one female professor recommended by each college (the college with less than three professors for any gender may be exempt from this gender restriction), one professor recommended by Tsing Hua College, one professor of NTHU Faculty Association, one scholar with the expertise of education and one unbiased member of the society selected by the aforementioned members. Supervisors (including deputy supervisors) at all levels of the university and members of University Faculty Review Committee shall be excluded from the Committee. The number of members for any gender shall constitute at least one third of the total Committee members.

Article 3 The Committee members are non-paid positions with term of 2 years, may be re-elected and shall be re-elected each year by majority. In case of Committee members being absent for certain reasons, a candidate shall be selected in accordance with the foregoing provision and the term shall expire on the completion of previous term.

Article 4 The NTHU president or designated personnel shall be the convener of the Committee meetings. The convener shall call for the meeting within 20 days upon receiving a written petition by over half of the Committee members.

Article 5 One Committee chairperson shall be elected by Committee members for a term of 1 year and may be re-elected. Should the chairperson be unavailable to chair the meeting for certain reason, the chairperson may assign a Committee member to be his/her delegate. In case the chairperson does not assign a delegate, Committee members shall recommend one.

Article 6 Committee members shall attend the Committee meeting in person and the session may only begin with majority of attendance of Committee members.

### III. Filing of Appeals

Article 7 In the event that any full-time NTHU faculty, contract-based faculty or research personnel deems the actions of NTHU towards him/her as illegal or improper, which infringes the rights and interests of the person, the party may file APPEALS to the Committee if he/she is still not satisfied with the actions of NTHU after the issue has been reviewed by the department concerned.

Full-time NTHU faculty, contract-based faculty or research personnel may also file APPEALS in the event he/she deems that the omission of NTHU undermines his/her interests despite stipulations by law during the statutory period. In the event that there is no statutory period required by law, NTHU shall comment in two month from the date it accepts the application.

In the case that full-time faculties disagrees with the decision made by the Committee, the faculty may file for further appeals to the Ministry of Education. NTHU may also file administrative appeals to the Ministry of Education should NTHU disagree with the decision made by the Committee. The following remedies for contract-based faculty and research personnel shall be subject to other relevant regulations.

Article 8 The filing of appeals shall be submitted in written form within thirty days from the next day of receiving or knowing the actions (sent to NTHU Office of Secretaries through registered AR).

The aforementioned period is subject to the date the Committee receives the application form.

In case the that the appellant files a appeal to other offices or school other than the Committee by mistake, the date of receipt by the other office or school shall be deemed as the date of filing the appeal.

Article 9 In the case that the appellant does not live in the local region of the Committee, the calculation of statutory period shall deduct the traveling period. In the event that the representative resides in the local region of the Committee to proceed appeal related conducts, the traveling period may be exempt.

The aforementioned traveling period deduction should be subject to the Administrative Appeal Act.

Article 10 In case that at least two persons jointly file a appeal against actions based on the same facts, provisions prescribed under Article 21 to 27 of Administrative Appeal Act shall apply.

Article 11 The filing of appeal requires a written form with clear indication on the following matters, where the appellant or designated representative signs or seals, along with submission of documents of original actions, other relevant documents and evidence:

- (1) Name, date of birth, ID or document number, department of service and title, domicile, and telephone of the appellant.
- (2) Representative should be provided with the following information, name, date of birth, ID and document number, domicile and telephone number.

(3) department made the original actions.

(4) The day, month and year of receiving or knowing the measures, and facts and reason of appeal.

(5) Specific remedies which the appellant expect to acquire.

(6) Day, month and year of filing the appeal.

(7) Indication of any appeal and litigation arising from or related to this appeal.

For appeal filed pursuant to provision prescribed in paragraph 2, Article 7, the matters listed in foregoing item 3 and item 4 shall be the department ought to take actions, the day, month, year the application filed to the department and legal reference. A copy of the original application form and the receipt certificate of department accepting the application shall be enclosed.

Article 12 For APPEALS that do not comply with legal requirement but are deemed correctable, the appellant should be notified for making corrections within twenty days. Unless the representative's power of attorney is limited, the representative of the appeal shall also be served.

#### IV. Review and Deliberation

Article 13 Within ten days from the next day of receiving the written application for appeal, the Committee shall provide the copies of written appeal and relevant documents to the department made the original action, and demand submission of explanation. The department shall submit the explanation and relevant documents to the Committee and serve the copy to the appellant within 20 days after the next day from the date the written request is served. Nonetheless the original action department may voluntarily revoke or modify the original actions in case the appeal is deemed with proper cause, and notify the Committee via correspondence.

Article 14 The appellant may withdraw the appeal before the decision serves to the appellant. The Committee shall terminate the review and deliberation once the appeal has been withdrawn while the appellant and relevant departments shall be notified. Once the appellant has withdrawn the appeal, the appellant shall not bring a re-appeal based on the same reason and facts.

Article 15 The appellant shall notify the committee should he/she concurrently or additionally file administrative appeal, litigation, or labor disputes mediation for the appeal or related events. Should the decision, in part or in whole, is based upon the decision of administrative appeal litigation or labor dispute mediation, the Committee may suspend the deliberation prior to the administrative appeal, litigation or labor dispute mediation is final, and notify the appellant in written form. In case the appellant, original action department or the supervisor of educational administrative agency notifies the elimination of reason for

suspension, or in case the Committee learns such reason, the review and deliberation shall be continued with appellant notified in written form.

Article 16 The Committee meeting is not open to the public. The appellant, supervisor of department made the original actions, concerned parties, scholars, experts, or personnel assigned by relevant departments shall be invited to the review. The appellant may make the statement with one to two advocates on site.

In case that the appeal is deemed necessary for conducting field survey, the Committee shall recommend at least three members to conduct the field survey and report to the Committee upon meeting.

Article 17 Committee members with conflict of interests regarding the appeal shall recuse and may not participate in the review and deliberation. If specific facts can be provided to prove the attendance of certain Committee may affect the impartiality of the appeal case, the appellant may apply for the recusal of the said Committee members. The appellant shall list the reasons and facts for the Committee to resolve. Committee members being petitioned for recusal shall submit the opinions but may not participate in the resolution.

Should a committee member not recuse when they clearly fulfill the aforementioned conditions, and if the appellant did not petition for a recusal, the Committee shall demand for the recusal with its authority.

Unless otherwise resolved by the Committee meeting, the Committee members may not contact the concerned parties, persons on behalf of the interests or stakeholders outside of the procedures.

## V. Decisions

Article 18 The decision of the Committee, unless suspended according to the provision prescribed in Article 15, shall be made within three months from the next day of receiving the written appeal. Such review and deliberation may be extended if necessary and must notify the appellant. Only one extension may be permitted, with the maximum extension time of 2 months.

The aforementioned period corrected in accordance with the provision prescribed in Article 12 shall be calculated from the next day of correction. The review suspended in accordance with the provision prescribed in Article 15 shall be re-calculated from the day of continued review and deliberation. In case that addendum is submitted, the dates shall be calculated from the next day of last submission of the addendum.

Article 19 Should the appeal has one the following conditions, the appeal should be denied with causes:

- (1) The written appeal could not be corrected due to non-conformance with legal procedures or could not be corrected upon expiration date after receiving the correction notification within the specified time.
- (2) Surpassing the period for filing appeal according to the provision prescribed in paragraph 8.

- (3) The appellant is unqualified.
- (4) The original actions no longer exist or is not beneficial for the appeal.
- (5) The appeal brought under subparagraph 2 of paragraph 7 is an action already made by the department.
- (6) Re-appeal based on same facts or a withdrawn appeal.
- (7) Other matters that by law, do not fall in the scope of faculty appeal and remedy.

The appeal petition may be accepted should it surpassed the deadline in subparagraph 2, nonetheless with special circumstances that will be considered injustice if remedies are not given.

Article 20 The Committee shall take into consideration the proceedings of appeal, the damage caused to the appellant and the expected remedies, the reasoning of both sides, the effects on the public's interest and other related matters.

Article 21 The Committee shall assign a member to draft the decision according to the conclusion of the review and deliberation.

The Committee shall deny the case should the appeal is without cause. In case the original cause of the action is deemed improper, but will be proper according to other causes, the appeal shall be denied .

The Committee shall affirm the appeals and include remedial actions in the written decision if any. In case the decision reverses the original actions, a period shall be mandated to the responsible department to provide remedy. The Committee shall assign a period to the responsible department to act for appeal petitioned in accordance with paragraph 2 of Article 7 and is reversed by the Committee.

Article 22 The decision is determined by secret ballot and shall require the consensus from at least two thirds of the attending members. The decision of other matters shall require the agreement from the majority of attending members. The review process and opinion of individual members shall be maintained strictly confidential.

The recusing Committee members will not be included in the number of attending members for the aforementioned Committee decision.

Article 23 For the review of the cases personnel shall be assigned for the documentation of the review and deliberation. Members holding different opinions against the decision shall be included in the records upon request.

Article 24 The written decision shall include the following matters:

- (1) Name, date of birth, ID or document number, department of service and title, domicile, and telephone of the appellant.
- (2) Representative should be provided with the following information, name, date of birth, ID and document number, domicile and telephone number.

(3) department made the original action.

(4) Holding (including specific suggestions for remedial actions), facts and reasoning: the facts may be omitted in case of denial based on procedural causes .

(5) Signature of the Committee chairperson.

(6) The day, month and year that the decision is made.

The decision shall have a statement of notification for the right to file for re-appeal within thirty days from the next day which the appellant served. For cases that appellant is unqualified for re-appeal, the decision shall have a statement of notification for the right to file Administrative Appeal or litigation to the competent authority in accordance with the nature of event and the statutory period required by relevant laws.

Article 25 The written decision shall be carried out in the name of NTHU, prepared in the original version, and be served to the appellant, the department made the original action, NTHU Faculty Committee and the Ministry of Education with adequate evidence of delivery for audit. Unless the representative's power of attorney is limited, the representative of the case shall also be served.

Article 26 In case that the decision of the Committee is not filed for re-appeal in thirty days from the next day the decision is served to the appellant and the department made the original action, the decision made by the Committee will be final.

Article 27 NTHU shall thoroughly implement the decision made by the Committee..

## VI. Supplementary Provisions

Article 28 For those disagreeing with the procedural ruling by the Committee in the procedures, the appeals shall be filed with the re- appeals of the decision by law. .

Article 29 Unless otherwise specified in the directions, the provisions from Article 32 to Article 40 of the Administrative Appeal Act shall apply to the representative.

Unless otherwise specified in the directions, the provisions from Article 71 to Article 74 of the Administrative Litigation Act shall apply to the service of documents for appeal .

Article 30 All dossier related to the appeal shall be archived by the Office of Secretaries after closure. The content of the dossier shall only be available for access by the president and Committee chairperson. The president and Committee chairperson should be prohibited from accessing the file should he/she is a party of the case.

Article 31 The directions shall be passed by the NTHU University Affairs Meeting prior to implementation.

Article 32 For the appeal that has been filed and is under reviewed prior to the revision and implementation of the directions, the subsequent procedures shall be proceeded in accordance with the revised directions.

※Note: The English version herein is a translation of the original articles in Chinese, and the original in Chinese shall prevail in the event of any difference existing between both versions.