

National Taiwan Normal University Organizational and Review Guidelines for Faculty Grievances Committee

國立臺灣師範大學教師申訴評議委員會組織及評議要點

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I. General Provisions

1. These Guidelines were established in accordance with the *Regulations Governing the Composition and Reviews of Teacher Grievance Review Committees* promulgated by the ROC Ministry of Education and the provisions of Paragraph 2, Article 14 of the *NTNU Organizational Charter*.
2. To ensure the rights and interests of faculty members, resolve faculty member disputes, and promote campus harmony, National Taiwan Normal University (hereinafter referred to as “the University”) established the Faculty Grievances Committee 國立臺灣師範大學教師申訴評議委員會(hereinafter “the Committee”).

II. Faculty Grievances Committee

3. The Committee shall consist of 13 to 15 members, including full-time faculty members, social justice-conscious citizens, scholars and experts, delegates from local teachers' organizations, and representatives of the University, of whom no less than two-thirds shall be faculty members who do not concurrently hold administrative positions. The number of members of either gender shall not be less than one-third of the total number of members. However, depending on the nature of the complaint, additional experts may be appointed to participate in meetings as advisory members.

The delegates from the local teachers' organizations in the preceding paragraph shall be recommended by the Teachers' Association of the University, or, in the absence of a teachers' association, by the teachers' association of another university or the Taipei Teachers' Association. The representative of the University shall be a faculty member appointed by the President

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and shall hold concurrent administrative duties.

When a member post becomes vacant for any reason, the term of successor shall be the date of the original term.

4. For full-time faculty members of the Committee, each college recommends one professor who does not hold administrative duties to serve for the position and appointed by the President with a term of two years and may be re-appointed. The remaining members of the Committee shall be appointed by the President for a term of two years and may be reappointed upon expiry of that term.

Additional advisory members shall be appointed by the President upon recommendation by the Committee, and their terms of office shall be limited to the duration of the appeal in each case.

5. The Chair of the Committee shall be elected by and from among the members for a term of two years and shall be eligible for re-election.

6. The members of the Committee shall be unpaid. However, members from outside the University shall receive attendance fees and be reimbursed for travel expenses in accordance with regulations.

7. The Committee shall have one executive secretary, one assistant secretary, and several administrative staff, who are appointed by the President from among the University staff who have legal expertise or are familiar with the law.

8. Committee Meetings shall be held from time to time and shall be convened at the first meeting of each academic year by the President or his or her designated proxy. Once the Chair is selected, the meeting shall be convened by the Chair. In case the Chair is unable to convene or preside over a meeting for any reason, he/she shall designate one of the members to serve as the Chair; if the Chair does not designate one, the members shall elect one from among themselves to serve as the Chair.

Upon written request from at least one-half of the total number of members of the Committee from the said meeting, the Convener shall call a meeting within twenty days.

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9. Members shall attend Committee meetings in person, and such meetings shall only be held when a quorum of more than one-half of the total number of members is present. Except for review resolution that require approval of at least two-thirds of the members in attendance, resolutions for other matters require approval of one-half the members in attendance.

In deciding resolutions as mentioned in the previous paragraph, recusing members shall not be counted among the members in attendance.

10. If any one of the following conditions applies for Committee members or undertaking personnel, they shall recuse themselves and shall not participate in the deliberation: (1) Any of the circumstances specified in Article 32 of the *Administrative Procedure Act*. (2) Anyone who has a vested interest in the appeal case.

If there are concrete facts to prove that a member of the Committee is biased in the case of a complaint, the appellant may apply to the Committee for the recusal of said member with the citation of reasons and facts.

Said recusal application shall be resolved by the Committee meeting. However, the member who are asked to recuse shall not participate in the voting.

If a member of the Committee does not recuse himself/herself voluntarily under the circumstances specified in the first paragraph, and has not been applied for recusal by the appellant, he/she shall be recused by the Committee by virtue of its ex officio power.

During the appeal review process, members of the Committee shall not have any contact whatsoever with the person concerned, interest parties or the stakeholder, except by resolution of a meeting of the Committee.

III. Appeal Procedures

11. Full-time faculty members of the University may lodge an appeal with the Committee if they consider that the measures taken by any unit of the University in relation to their personal interests are unlawful or improper such that their rights are jeopardized.

If a unit of the university fails to take action during a statutory period on a case filed by a full-time faculty member of the university pursuant to law, such that he/she thinks his/her rights

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are jeopardized, an appeal may also be filed. If the period of time for acting is not stipulated by law, the period of time shall be two months from the date of acceptance of the application by the respective unit of the University.

12. A faculty member's appeal shall be lodged in writing within thirty days after the day of receipt or knowledge of the measure.

The period mentioned in the preceding paragraph shall be based on the date of receipt of the appeal instrument by the Committee.

If the appellant is late in lodging an appeal under the first paragraph due to *force majeure* or other causes not attributable to him/her, they may, within ten days after the cause has ceased, apply in writing to the Committee for reinstatement of the original appeal period with an explanation. However, no such application shall be made if the period of delay has exceeded one year. The application for reinstatement of the original appeal period, the act for which the appeal shall be made during the period should be made up at the same time.

If the unit concerned has delivered its measure to the appellant in a verifiable legal-attest manner, the date of such delivery shall be deemed the date of knowledge.

13. The appeal shall be accompanied by an appeal instrument containing the following particulars, signed or sealed by the appellant or the agent, and accompanied by the original measure instrument, relevant documents and evidence:

- (1) Name of the appellant, date of birth, identity document number, service unit and job title, home address and telephone number.
- (2) Where there is an agent or representative, his/her name, date of birth, identity document number, home address and telephone number.
- (3) The unit of the original administrative measure.
- (4) The date and time of receipt or knowledge of the measure.
- (5) The facts and reasons of the appeal.

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(6) The specific remedy desired.

(7) Evidence. (If the evidence is in the form of documents, a photocopy shall be attached.)

(8) The date and time when the appeal was lodged.

(9) A statement of whether or not a petition, lawsuit or labour dispute settlement has been separately filed in relation to the matter under appeal and, if so, the authority or court before which it was filed and the date and time of filing.

If two or more persons jointly file an appeal against the same factual measure for the same reason, the provisions of Articles 21 to 27 of the *Administrative Appeal Act* shall apply.

If an appeal is filed in accordance with the second paragraph of Point 11, the matters listed in Items 3 to 5 of the preceding paragraph shall be the respective units of the University that should act, the year, month and date of application to each unit of the University and the legal basis for the application, to be submitted together with a copy of the original application and a proof of acceptance by the unit of the University that accepted the application.

In the event of a re-appeal, the original appeal instrument and the original appeal review decision statement shall be attached; the time and manner of receipt of the said statement shall be stated.

14. After an appeal has been filed, the appellant may withdraw said appeal before the review decision statement is served on the appellant. If the appeal has been withdrawn, the Committee shall close the review of the appeal and notify the appellant and the original measure unit in writing.

After the appellant has withdrawn his/her appeal, he/she shall not file a new appeal on the same grounds.

IV. Procedures for Appeal Review

15. Documents relevant to the appeal cases shall be compiled into one docket by the undertaking personnel assigned to each case.

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16. For any appeal application, the procedure shall be examined first to verify that the case is not inadmissible, before actual examination is carried out. In the event of a change in the law, unless otherwise stipulated by laws and regulations, the procedures shall be based on the new regulations and the entities review shall be based on the old regulations.

In the event that the aforementioned procedures are found to be inconsistent with the statutory procedures and if said inconsistencies are remediable, the Committee shall notify the appellant to rectify the situation within 20 days.

17. If the review decision of all or a part of an appeal case were to be based on whether the legal relationship of other petition, lawsuits or labor disputes settlement is established, the Committee may suspend the review before the end of the procedures of other petition, lawsuits or labor disputes settlement and shall notify the appellant in writing; after the reasons for the suspension are eliminated, the Committee shall resume the review after the appellant, the original measure unit or the competent authority notifies the Committee or if the Committee has become aware of it, after which the Committee shall inform the appellant in writing.

If a faculty member who has filed an petition in accordance with the *Administrative Appeal Act* and then again files another appeal in accordance with these Guidelines, the Committee shall cease to review the appeal and shall notify the appellant in writing. Once the reasons for ceasing to review have been eliminated, the Committee shall resume the process and shall notify the appellant in writing after the appellant, the original measure unit or the competent authority has notified the Committee, or when the Committee has become aware of it.

18. The Committee shall, within ten days from the next day after receiving the appeal instrument, attach in writing a copy of said instrument and the relevant documents and notify the original measure unit to explain the reasons.

Within twenty days from the next day after the date of receipt of the aforementioned written notice, the original measure unit shall draft a reply (or explanation) letter and send it to the Committee together with relevant documents, and shall send a copy of said reply (or explanation) letter to the appellant. However, if the original measure unit considers the appeal justified, it may revoke or change the original measure on its own initiative and notify the Committee accordingly in writing.

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19. The original measure unit shall, in response to the appeal and its reasons, make an explanation or rebuttal with the citation of proofs. If the original measure unit fails to provide a explanation by the set deadline, the Committee shall send a letter reminding said unit; if the explanation is not sufficiently detailed, the Committee may give another deadline for explanation. If the original measure unit still fails to explain or provide detailed explanation, the Committee may directly proceed to appeal review.
20. The enforcement of the original measure shall not be stopped by the filing of a complaint, unless otherwise provided for in laws and regulations. However, the original measure unit or the Committee may, if deemed necessary, suspend its execution by virtue of its ex officio authority or upon request by the appellant.
21. If there is a need for investigation of or inquiry on an appeal case, they may be carried out after signed approval.
22. After the receipt of an appeal instrument, except when suspension of the evaluation in accordance with the provisions of Point 17 applies, the review shall be carried out within three months from the next day after the receipt of the appeal letter; if deemed necessary, it may be extended and the appellant shall be notified. The extension shall be limited to once and shall not exceed a maximum of two months.
23. The period of time mentioned in the preceding point shall be counted from the next day after the correction is made if such corrections are made in accordance with the provisions of Point 16, or from the next day after the expiration of the period of correction if the correction is not made, or from the day of the resumption of review when such suspensions are in accordance with the provisions of Point 17. In such cases when reasons are remedially submitted during the review period, the period mentioned in the preceding point shall be counted from the next day after receipt of the last remedial reason.
24. If the appeal instruments are delivered by personnel or commissioned to be delivered by other units, a certificate of delivery shall be filled out by the personnel who performs the service (See Appendix 1 for format). If the appeal instrument is served by post, a certificate of postal delivery shall be used instead (See Appendix 2 for format).
- In addition to the foregoing, the delivery of appeal instruments shall be carried out in accordance with the provisions of the *Taiwan Code of Civil Procedure* relating to delivery processes.

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25. The Committee shall compile the review decision statements into volumes and distribute a summary of them to the Library and the college branch libraries for public perusal.

V. Appeal Review Meetings

26. Appeal cases will be reviewed by a meeting on a date designated by the Chair.

The review meeting referred to in the preceding paragraph may notify the appellant, the original measure unit and related parties to attend the meeting to explain.

27. Appeal cases shall be reviewed based on the written documentation submitted. The review meetings of the Committee shall be held in private, and, if necessary, hold oral debates.

28. When the Committee deems necessary, it may, in accordance with its ex officio authority or upon the application of the appellant, designate a date and place when and where the appellant, his/her agent or representative, and the original measure unit staff will be summoned for questioning.

When notifying the appellant, his/her agent or representative in accordance with the foregoing provision, a copy of the reply instrument shall be attached. The Chair of the Committee shall preside over the proceedings of the oral debate. The procedure shall be as follows:

(1) The undertaking personnel shall give a summary account of the case.

(2) The appellant, his/her agent or representative shall make a statement on the factual and legal aspects of the case.

(3) The attending representative of the original measure unit shall give a factual and legal rebuttal of the case.

If the foregoing debate is not completed, the Committee may hold a further debate.

29. The appellant or his/her representative may request the Committee for permission to read, transcribe, copy or record relevant information or dossiers, or may pay in advance for copies, photocopies or excerpt copies, but these shall be necessitated by the need to protect his/her legal interests.

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The aforementioned matters shall be governed by Articles 49 to 51 of the *Administrative Appeal Act*.

30. The review meeting is in the course of its deliberations, the Chair of the meeting shall advise the persons concerned to withdraw from the meeting before Committee review are held.

31. The review resolutions of the Committee shall be arrived at by anonymous voting. However, in non-controversial cases, the Committee may decide to adopt a no-objection or show of hands mode. Review and the resolution-making process, as well as the opinions of individual members, shall be deemed strictly confidential.

The method used and the results of voting in the aforementioned paragraph shall be documented in the minutes of the meeting. If voting is adopted, the ballot papers shall be sealed on the spot and signed by both the Chair of the meeting and the scrutineers elected by the members, and shall be properly preserved by the Committee.

32. After the resolution of an appeal case, the review meeting shall formulate a written decision statement of its deliberations, which shall contain the following information:

(1) The name of the appellant, date of birth, identity document number, service unit and job title, residence address and telephone number.

(2) If there is an agent or representative, his or her name, date of birth, identity document number, residence address and telephone number.

(3) The original measure unit.

(4) The main text.

(5) The facts and the reasons, of which those facts found inadmissible may be omitted.

(6) The signature of the Chair of the Committee shall be required, and if the Chair is unable to perform his/her duties at the time of the Committee makes a review decision statement, the signature of the acting Chair together with the reasons for his/her action, shall be necessary.

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(7) The date and year on which the review decision statement is made.

The statement shall specify that if a person is not accepted with the decision, he/she may lodge a further appeal with the **Teacher Grievances Committee** of the Ministry of Education within 30 days from the day after the review decision statement is served.

33. When a review meeting reviews an appeals case, designated personnel shall be assigned to prepare a file of deliberation records. If a member of the Committee holds an opinion different from the review decision of the Committee and by said member's request, said opinion shall be included in the minutes of the Committee meeting. In the event of a verbal debate, a separate transcript shall be made and attached to the review records. The provisions of Articles 212 to 219 of the *Taiwan Code of Civil Procedure* shall apply.

34. An appeal shall be inadmissible under one of the following circumstances:

(1) The appeal instrument does not conform with the statutory procedures and cannot be corrected, or the appellant has been notified of the deadline for correction and the correction has not been completed by that time.

(2) The appeal is filed beyond the deadline stipulated in Point 12.

(3) The appellant is ineligible.

(4) The original measure no longer exists or the appeal is no longer of real significance.

(5) If the appeal lodged in accordance with Point 11(2) has already been addressed by a proper unit of the University.

(6) If an appeal has been decided on or withdrawn and a new appeal is filed for the same reason.

(7) If a suspended appeal process is resumed in accordance with the second paragraph of Point 17, and the original measure is an administrative sanction.

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(8) Other matters that are not within the scope of appeal remedies according to the regulations.

The time limit in Paragraph (2) above shall be the date of the actual receipt of the appeal instrument by the Committee. If the end of the period falls on a Sunday, a public holiday or other holidays, said date of receipt shall be moved to the next day; if the end of the period falls on a Saturday, said date of receipt shall be moved to the next Monday morning.

35. Where several complaints are filed on the same or similar factual or legal grounds, the Committee may consider them together and may decide on them jointly.

36. If the circumstances mentioned in Point 34 do not exist, but if an appeal is found in reality to be unjustified, the review decision of the Committee meeting shall be to reject.

Although the reasons for the original measure are improper, if the original measure is considered justified on other grounds, the appeal shall still be considered as unjustified.

37. If the circumstances mentioned in Point 34 do not exist and if an appeal is, in fact, found to be justified, the Committee shall decide to revoke the original measure within the scope of the appellant's request and, depending on the circumstances of the case, decide on remedial measures or return it to the original unit for the adoption of new measures.

If, although the grounds for the appeal are not desirable, the original measure is considered to be illegal or improper on other grounds, the appeal shall still be considered as justified.

If the original measure unit fails to give a detailed reply or fails to give a reply after a set deadline, such that matters are not sufficiently clarified, the Committee may, by virtue of its ex officio authority, investigate the facts and proceed to make a review, or consider the appeal as justified and revoke the original measure, and order the adoption of another remedial measure to aggravate the original measure unit's liability.

In the event that the Committee decides to revoke the original measure as outlined in the aforementioned three paragraphs, and return it to the original measure unit for the adoption of another measure, it shall designate an appropriate period of time for compliance in accordance with the intent of the review decision, and shall require said unit to inform the Committee in writing of its subsequent handling of the matter.

In the case of an appeal filed in accordance with the provisions of Point 11(2), if the Committee deems it justified, it shall designate an appropriate period of time and order the original

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measure unit to take certain measures expeditiously.

38. If an appeal is withdrawn in accordance with the provisions of Point 14, the Committee meeting shall terminate the case without making a resolution and notify the appellant.

39. Within fifteen days of its completion, the review decision statement drafted in accordance with Point 32 above and in the name of the University shall be sent to the appellant, to the original measure unit and to the Teacher Grievances Committee of the Ministry of Education by a verifiable legal-attest delivery manner.

If the appellant has an agent or a representative, delivery of the review decision statement shall be made to said agent or representative, unless authorization of receipt is restricted. In case there are more than two agents or representatives, delivery may be made to only one of them.

40. A review decision shall be final if one of the following circumstances applies:

(1) If the appellant or the university does not file a further appeal within thirty days of the day after the date of delivery of the report.

(2) If a review decision statement of the repeated appellant has been delivered to and received by the repeat appellant.

41. All relevant units of the University shall take immediate action on the confirmed decision.

42. The appeal instrument, re-appeal explanation and relevant required documents shall all be written in Chinese, and if they quote a foreign language text, the latter shall be translated into Chinese and accompanied by the original.

If information submitted for an appeal or a re-appeal is in the form of an audiotape, videotape or e-mail, a written transcript shall be attached and it shall be stated when and where it was obtained, accompanied by a statement declaring they were not illegally recorded or intercepted.

43. Any person who is dissatisfied with the procedural disposition of the proceedings of the Committee shall bring a motion for relief in accordance with the law, with the presentation of the review decision statement.

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44. The provisions of Articles 32 to 40 of the *Administrative Appeals Act* shall apply to agents, unless otherwise provided for in these Guidelines.

The delivery of the appeal instrument shall be governed by the provisions of Articles 71 to 74 of the *Administrative Litigation Act*, unless otherwise provided herein.

VI. Supplementary Provisions

45. Matters not specified in these Guidelines shall be undertaken in accordance with the relevant laws and regulations.

46. These Guidelines shall be implemented upon approval by the University Council. Any amendments shall be processed accordingly.

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