National Taiwan Normal University

Organizational Directives for Employee Appeals, Arbitration, and Committee

Last Amended on November 18, 2015

Chapter I. General Provisions

Article 1. National Taiwan Normal University (hereinafter referred to as "the University") has formulated the *Organizational Directives for Employee Appeal, Arbitration, and Committee* (hereinafter referred to as "the Directives") pursuant to Article 14, Paragraph 1, Subparagraph 6 of the NTNU *University Charter.*

Article 2. The University has established the Employee Appeals and Arbitration Committee (hereinafter referred to as "the Committee") to protect employee rights and interests, resolve disputes, promote campus harmony, and elevate administrative efficiency.

Article 3. The term "employees" in the Directives refers to the University's permanent employees, unusual skilled technical personnel, and staff employed as per NTNU *Contractual Staff Management Directives*, campus security officers, and technicians/custodians.

Chapter II. Appeal and Arbitration Committee

Article 4. The Committee shall consist of 11 to 13 members who serve 2-year terms as follows: 3 NTNU employees (including unusual skilled technical personnel), 3 staff, 1 campus security officer, 1 technician/custodian, and 3 others appointed by the President. Members of either gender shall account for over one-third of the total number.

One of the members appointed by the President shall be a legal professional, and one shall be an NTNU faculty without administrative duties.

The Committee may request that the President appoint 1 to 2 additional experts/scholars for special need in an appeal. Their terms shall be under the length of the appeal.

In case of vacancy, the successor shall serve until the end of the original term.

Article 5. NTNU employees (including unusual skilled technical personnel), staff, campus security officers, and technicians/custodians with the most votes shall be appointed as members by the President and re-elected with one from each unit.

Members of the NTNU Employee Screening and Selection Committee, Performance Evaluation Committee, and Campus Security/Technician/ Custodian Review Committee shall not concurrently serve as Committee members.

Article 6. The Committee chair shall be elected by members to serve a two-year term.

Article 7. All members shall serve without compensation, except for non-NTNU personnel who may receive an attendance or transportation stipend accordingly.

Article 8. The Committee may appoint an executive secretary for meetings as recommended by the chair and approved by the President.

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Article 9. Meetings shall be convened periodically. The first meeting shall be chaired by a convener designated by the President before a chair has been elected for subsequent meetings. A member shall convene by proxy as designated by the chair.
A meeting shall be convened within 20 days of a written request from over half of members.

Article 10. Members shall attend meetings in person, which may only be held with over half of members present and resolutions for over two-thirds of attendants' votes in favor.
When the Committee is in session, members who have been recused shall not be counted among the attendants.

Article 11. Members or staff with conflict of interest in an appeal shall recuse themselves.
The appellant may present evidence and reasoning to request recusal of a member biased in deciding an appeal to the Committee.
The request in preceding paragraph shall be voted on during a Committee meeting without the members in question.
During arbitration, members shall not contact the parties involved, the person of interest, or stakeholders until a resolution has been reached.

Chapter III. Appeal Procedures

Article 12. NTNU employees may file an appeal with the Committee for personal measures deemed illegal, improper, or damaging to their rights and interests, except unusual skilled technical personnel in promotions who shall follow the Administrative Appeal Act.

Article 13. Written appeals shall be made within 30 days after the implementation of the measures in Article 12.
Appellants who exceed the prescribed period due to force majeure may state their reasons to the Committee and request permission to submit an appeal.

Article 14. An appeal document shall be signed by the appellant with the following:
1. Their name, date of birth, gender, residence, National ID No., service unit, position
2. Name, date of birth, gender, residence, National ID No. of proxy or representative
3. Unit that implemented the measure (hereinafter "the Unit")
4. Requests
5. Facts and reasoning
6. Evidence
7. The date when the appellant becomes aware of the measure
8. Date of the appeal
9. Indication of relevant administrative appeal or lawsuit

A joint appeal shall have under three representatives with a letter of authorization.

Article 15. Once withdrawn before resolution is delivered, appeals may not be re-filed.

Chapter IV. Arbitration Procedures

Article 16. Staff shall compile all appeal documents into one file.

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Article 17. A procedural arbitration of shall be conducted within 14 days to determine discrepancies. If none, a substantive arbitration shall follow. In the event of changes in laws or regulations, unless specifically stipulated by the new regulations, the procedural review shall follow the new, and the substantive review shall remain in effect.

The appellant shall be notified to correct discrepancies before an investigation within 20 days of the procedural arbitration.

Article 18. After filing, appellant shall immediately notify the Committee in writing of relevant administrative appeal or lawsuit.

Before reaching a resolution for all or part of the arbitration when learning from the appellant or other authority of an administrative appeal or lawsuit, the Committee shall notify the appellant in writing to await the verdict as reference. The arbitration shall continue upon the written request of the appellant once the cause for the suspension has ceased.

The Committee shall notify the appellant in writing of continuation as in the preceding paragraph.

Article 19. The Committee shall immediately notify the Unit for appeal under procedures.

Within 20 days after the date of receipt, the Unit shall submit a detailed defense or explanation of the measure with supporting documents to the Committee. If the appeal is justified, the Unit shall revoke or change the measure and notify the Committee.

Article 20. If the Unit does not respond before the deadline in the previous article, the Committee may proceed with arbitration.

Article 21. Unless stipulated by relevant laws and regulations, implementation of the measure shall not cease simply due to an appeal, with the exception of its ex officio suspension at the request of the Unit, Committee, or appellant as necessary.

Article 22. An investigation required may be conducted after signing and approval.

Article 23. Except with reason of cessation, the Committee shall notify the appellant and the Unit and complete all documents within two months after date of receipt. Notification of a 20-day extension shall be made as necessary.

Article 24. Concerning the periods in the previous article, date count shall resume after correction or its deadline for procedural discrepancies in Article 17 and after the verdict if arbitration is delayed as per Article 18.

Article 25. The deliverer shall issue proof of successful receipt of appeal documents or send them in a certified mail via post.

The preceding paragraph and *Code of Civil Procedure* shall apply to deliveries.

Article 26. The Committee shall compile all documents into a volume to be sent to the main library and its branches at each college for public viewing.

Chapter V. Arbitration Meetings

Article 27. After arbitration dates are scheduled by the chair, the Committee may notify the appellant, the Unit, and stakeholders to attend the meeting as necessary.

Article 28. Arbitrations shall be conducted in writing and closed to the public with oral arguments as necessary.

Article 29. The Committee may notify the appellant (ex officio or as requested), their

proxy or representative (with a copy of the Defense), and the Unit to send personnel to the meeting (on/at the scheduled date and location) for consultation as necessary. Oral arguments shall be chaired with procedures as follows:

1. The staff shall put forth a case summary.
2. The appellant or their proxy/representative shall provide factual and legal statements.
3. Unit personnel shall provide factual and legal defense in person.

If oral arguments in the preceding paragraph are incomplete, the Committee may hold subsequent meetings.

Article 30. The chair shall inform all parties involved to withdraw before resolution.

Article 31. Voting shall be carried out via anonymous ballot. Arbitration, voting, and individual members' opinions shall be kept strictly confidential.

Article 32. Resolutions shall be compiled into one document with the following:

1. The appellant's name, date of birth, service unit, position, residence, National ID No.
2. Name, date of birth, residence, National ID No. of proxy or representative
3. Main content
4. Facts and reasoning; omitted if case is dismissed.
5. Signature of the chair or appointed proxy (including main content recording)
6. The year, month, and day of document creation

Remedial measures for objections by different employees are listed below:

1. Staff: Reappeals with the Civil Service Protection and Training Commission may be filed within 30 days after receipt of documents.
2. Specialist technicians and campus security officers: Administrative appeals as per the *Administrative Appeal Act* may be filed within 30 days after receipt of documents.
3. Staff and technician/custodians: Labor disputes with the Department of Labor, Taipei City Government may be filed.

Article 33. Personnel shall be assigned for meeting records with a separate transcript attached as an appendix for oral arguments. Articles 212 to 219 of the *Code of Civil Procedure* shall apply mutatis mutandis.

Article 34. An appeal shall be rejected with reason stated for any of the following:

1. The appeal was filed after the deadline in Article 13 without a reason in Paragraph 2.
2. The appellant is ineligible for an appeal.
3. Unrelated to employee rights and interests, matter shall be tried by the court.
4. The original measure is nonexistent or without benefit of remedy.
5. The appellant is refiling a withdrawn appeal.

The deadline in Subparagraph 1 of the preceding paragraph is based on the date of appeal reception; and the *Administrative Procedure Act* shall apply mutatis mutandis.

Article 35. Appeals with none of the conditions in the preceding article invalidated by investigation shall be rejected at the arbitration meeting.

Article 36. For appeals with none of the conditions in Article 34 validated by investigation the arbitration meeting shall reach a resolution to revoke the

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original measure within the requested scope, devise remedial measures (based on circumstances), or return it to the Unit for a new measure. The appeal shall remain valid even with inaccurate reasoning for illegal or improper measure. Ex officio investigation and arbitration or revocation and remedial measures may be demanded without a reply from the Unit in detail or before the deadline with unclear facts.

Article 37. The arbitration meeting shall immediately reject appeals withdrawn in Article 15 and notify the appellant accordingly.

Article 38. The Committee may, ex officio, demand the Unit change or revoke the clearly illegal or inappropriate measure despite rejection due to Article 34, Paragraph 1, Subparagraph 1 then indicate so in the reason column.

Article 39. Arbitration documents prepared as per Article 32 shall be in original copies under the name of the University and delivered to the appellant and the Unit within 15 days after the meeting. Senders shall verify successful receipt.

An appellant's proxy or representative shall be informed of the delivery of resolution unless unauthorized. Only one of multiple proxies or representatives shallbe notified.

Article 40. All NTNU units shall enforce valid arbitration documents.

Chapter VI. Supplementary Provisions

Article 41. Matters unaddressed herein shall be processed in accordance with applicable regulations.

Article 41-1. New teaching assistants may file appeals pursuant to the Directives.

Article 42. The Directives and any amendments hereto shall be implemented upon passage by the NTNU University Council.

Articles 4 and 5 of the Directives concerning election and appointment shall be effective from August 1, 2012.

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