

NATIONAL TAIWAN UNIVERSITY

Regulations Governing the Organization and Operation of the Faculty Member Grievances Committee

- May 28, 2022 Passed by the University Council at its 2nd meeting, spring semester, Academic Year 2021–22
- June 13, 2022 Full text of the National Taiwan University ‘Directives Governing the Organization and Arbitration of the Faculty Member Grievances Committee’ promulgated; renamed as the National Taiwan University ‘Regulations Governing the Organization and Operation of the Faculty Member Grievances Committee’
(Full amendment history at the end of this document)

Chapter I General Provisions

- Article 1 National Taiwan University (NTU or “the University”) establishes the Faculty Member Grievances Committee (“the Committee”) and formulates the NTU *Regulations Governing the Organization and Operation of the Faculty Member Grievances Committee* (“the Regulations”) in accordance with the *Guidelines Governing the Organization and Arbitration of Faculty Member Grievances Committees* and Article 51, Paragraph 2 of the University’s *Organizational Charter* to handle the arbitration of appeals filed by faculty members at the University.

Chapter II Organization

- Article 2 The number of seats on the Committee and the method to be used to fill those seats are stipulated below:
1. Faculty representatives: Seats shall be filled by full-time faculty members from all colleges of the University; colleges with 200 faculty members or more may select two representatives each, whereas colleges with fewer than 200 faculty members may select one representative each.
 2. Scholar/expert representative: The NTU President shall appoint one external scholar/expert to serve as scholar/expert representative.
 3. Regional faculty association representative: A faculty association representative shall be recommended by the University’s faculty association, or, in the event that no such association exists, the Taipei Teachers’ Association or a faculty association of another university.
 4. Impartial citizen representative: The NTU President shall appoint an impartial citizen to serve as the impartial citizen representative.
 5. University representative: The NTU President shall appoint a University representative from among the administrative staff at the University.

No fewer than two thirds of the Committee members shall be faculty members without concurrent administrative duties. Committee members of any gender shall account for no fewer than one third of all members. The two representatives recommended by each college shall be of different genders.

Members of the NTU Faculty Evaluation Committee may not concurrently

serve on this Committee.

The NTU President shall appoint an executive secretary to the Committee from among University personnel.

Article 3 Membership on the Committee shall be uncompensated. Committee members shall be selected in accordance with the preceding article and then appointed by the NTU President to serve a two-year term.

For colleges that may recommend 2 representatives under Paragraph 1, Subparagraph 1 of the preceding article, 1 representative shall be selected each year. This provision shall be effective for representatives appointed on or after June 29, 2012.

If a vacancy should arise before the conclusion of a term, a replacement shall be selected in accordance with the preceding article to serve out the remaining term.

Article 4 The Committee shall be convened by either the NTU President or a person designated by the NTU President. The Committee shall be convened by the convener within 20 days upon receipt of a written request backed by half of the Committee members or more.

A chair shall be elected by the Committee members from among themselves to moderate meetings. The chair shall serve a one-year term and may serve consecutive terms if re-elected.

In the event that the chair is unable to moderate a meeting, the attending members shall select an acting chair from among the faculty representatives present.

Article 5 The Committee may only be convened with more than half of the members in attendance. An arbitration resolution may only be issued with at least two thirds of the attending members in concurrence, and all other resolutions may only be issued with at least half of the attending members in concurrence.

The calculation of attending members in the preceding paragraph shall exclude any members who recuse themselves from the resolution in question.

Members shall attend all meetings in person and may not appoint or commission a third party to act on their behalf.

Article 6 Before their appeal enters arbitration, appellants may request the recusal of Committee members with a conflict of interest by submitting a written application describing the justification.

Such applications shall be deliberated upon by the Committee.

Committee members shall recuse themselves if they identify a conflict of interest involving the case in question. Committee members who fail to do so may be removed by the chair with a resolution by the Committee.

Chapter III Filing an Appeal

Article 7 Full-time faculty members at the University who believe that their rights and interests have been infringed due to an unlawful or inappropriate

measure imposed by the University may file an appeal with the Committee. Full-time faculty members at the University may also file an appeal if they believe their rights and interests have been infringed due to a lack of action by the University by the legally-mandated deadline, or, in the case where a deadline is not stipulated, two months from the day on which an appeal is accepted by the University.

Part-time faculty members at the University may file an appeal with the Committee if they believe their rights and interests have been infringed by an unlawful or inappropriate measure imposed by the University pertaining to their qualification review application, review results, termination, suspension, remuneration, leave of absence, or pension.

Article 8 Faculty members wishing to file an appeal shall do so in writing within 30 days starting from the day after they receive written notification or otherwise become aware of the measures described in Article 7.

Whether an appeal is filed by the deadline stipulated in the preceding paragraph shall be based on the date on which the appeal is received by the Committee.

Appellants who miss the deadline stipulated in Paragraph 1 due to natural disasters or other causes not attributable to themselves may request to the University to restore their appeal by submitting a written request describing the cause of their failure to meet the deadline within 10 days of such cause ceasing to exist. However, cases that are one year past the deadline may not be disputed. To request the restoration of an appeal, the appellant must also file the original appeal which should have been filed during the aforementioned time frame.

Article 9 An appeal letter detailing the following information shall be signed or stamped by the appellant or their representative and then be submitted together with proof of the original measures and other relevant documents and evidence:

1. The appellant's name, date of birth, National ID number (or applicable identification document number), affiliation and job title, place of residence, and contact number
2. If the appeal letter is filed by an agent or a representative: the representative's name, date of birth, National ID number (or applicable identification document number), place of residence, and contact number shall also be indicated.
3. The unit that issued the original measure(s)
4. The date on which the appellant received or was otherwise informed of the measure(s) or disputed fact(s), and justification for filing the appeal
5. Expected remedial action
6. Date of appeal
7. The unit to which the appeal is filed
8. Whether an administrative appeal, lawsuit, or labor dispute was filed prior to the appeal, and if so, the date and venue (court) where it was filed

For appeals filed in accordance with Article 7, Paragraph 2, please indicate the responsible unit (for Subparagraph 3 of the preceding paragraph) as well

as the date on which the original application was submitted and the regulatory basis for such action (for Subparagraph 4 of the preceding paragraph). Please also attach a photocopy of the original application and proof of the unit's receipt.

The appeal and all its attached documents shall be written in Chinese. Appellants who wish to quote passages written in a foreign language may translate them into Chinese as necessary, and the original passages shall be included as a reference. Appellants who wish to submit audio/video files or emails as evidence must also provide a transcript, indicate the time and place where such evidence was obtained, and sign an affidavit attesting to the legitimacy of the evidence.

If an appeal does not comply with the 3 preceding paragraphs and if corrections are deemed possible, the appellant shall be required to make the necessary corrections within 20 days.

Article 10 If the resolution of an appeal is fully or partially contingent on whether a legal relationship can be established in an administrative appeal, lawsuit, or labor dispute, the Committee may suspend arbitration until said appeal, lawsuit, or labor dispute has been settled, in which event the appellant shall be notified of the suspension in writing. The Committee may resume arbitration upon learning, or being informed by the appellant, of the cessation of the cause for suspension, in which event the appellant shall be notified of the resumption in writing.

The Committee shall suspend arbitration for appeals lodged by faculty members who file an appeal under the *Teachers' Act* after having file an administrative appeal for the same cause under the *Administrative Appeal Act*, in which event the appellant shall be notified of the suspension in writing. The Committee may resume arbitration upon learning, or being informed by the appellant or a competent authority, of the cessation of the cause for suspension, in which event the appellant shall be notified of the resumption in writing.

Chapter IV Arbitration

Article 11 In principle, the Committee's meetings shall be held privately, but appellants, defendants, stakeholders, and scholars/experts, along with 1 to 2 accompanying assistants, may be invited to make statements during arbitration upon resolution of the Committee.

The Committee may reach a resolution through consensus, a show of hands, or a secret vote. Persons involved in arbitration meetings shall keep the arbitration process and the opinions of individual Committee members strictly confidential.

The deliberation method and results shall be fully indicated in the meeting minutes. Ballots cast in a secret vote shall be sealed immediately, signed by the chair and ballot scrutineers elected by the Committee members, and then preserved in an appropriate manner by the Committee.

Article 12 Except where a cause for suspension described in Article 10 exists, the Committee shall issue a resolution within 3 months, starting from the day after it receives the appeal.

If necessary, the period of arbitration, as described in the preceding paragraph, may be extended once for up to two months, and the appellant shall be notified of the extension.

For appeals that require revision in accordance with Article 9, Paragraph 4, the period of arbitration, as described in the preceding 2 paragraphs, shall start from the day after the revisions are made, or if no revisions are made, the day following the revision deadline. For appeals that are suspended in accordance with Article 10, the period of arbitration shall be reset to the day arbitration resumes. For appeals that are amended with justifiable cause(s) while being processed, the period of arbitration shall be reset to the day following the inclusion of the most recent justifiable cause.

Article 13 A resolution of “inadmissible” shall be issued to appeals described in any of the following subparagraphs:

1. The appeal letter does not comply with Article 9 and is deemed impossible to be revised or is not revised by the stipulated deadline.
2. The appeal was filed after the deadline stipulated in Article 8.
3. The appellant is not eligible to file an appeal.
4. The original disputed measures have ceased to exist, or the appeal is deemed to have no actual benefit for the appellant.
5. The appeal was filed under Article 7, Paragraph 2, but the University has already taken appropriate measures to address the appeal.
6. The appeal was filed under the same cause as a previously resolved or rescinded appeal.
7. The disputed measures are administrative measures, the arbitration process for which has resumed in accordance with Article 10, Paragraph 2.
8. Other matters beyond the scope of faculty appeals and remedial action according to relevant laws and regulations.

Article 14 Prior to arbitration, the Committee may, where necessary, appoint 3 to 5 of its members to review the appeal and its supporting documents, analyze the facts being presented to determine the applicable regulations, and report their opinions to the Committee.

Before issuing a resolution, the Committee shall thoroughly consider the course of the incident, harm suffered by the appellant and their desired remedy, justifications from both parties to the appeal, impact on the public interest, and other relevant factors.

Article 15 A resolution of “rejected” shall be issued to appeals with no justification.

If the original measures were imposed on inappropriate grounds but other reasons have led the Committee to believe that the measures were in fact justified, the appeal shall be deemed as having no justification.

Article 16 A resolution with specific reasoning shall be issued to appeals with justification, and remedial action, if any, shall be fully indicated in the main text of the arbitration letter.

A deadline for action shall be stipulated for resolutions that involve the reversal of the original measures or remandment to the unit that issued the

original measures.

For appeals filed under Article 7, Paragraph 2 that are deemed by the Committee as having justification, the Committee shall order the responsible unit to take the appropriate actions in a swift manner.

Article 17 Appellants may rescind a filed appeal anytime prior to their receipt of the arbitration letter. Once an appeal is rescinded, the Committee shall treat the case as closed without conducting arbitration, and shall notify the appellant and defendant of such.

Once an appeal is rescinded, the appellant may not file another appeal under the same cause.

Article 18 If an appeal involving a faculty member's appointment, employment period, promotion, suspension, dismissal, or non-renewal of appointment is deemed by the Committee to be justified, the Committee shall forward the arbitration letter to the faculty evaluation committee that imposed the original measures, and a copy shall be delivered to the superordinate faculty evaluation committee, if any.

Article 19 Faculty members who believe their rights and interests have been infringed due to an unlawful or inappropriate measure imposed by the University Council may file an appeal with the Committee, and if accepted, the Committee shall submit a written request to the University Council for a re-review.

Appellants who wish to dispute the resolution of the re-review may file another appeal with the Committee. Should the University or the appellant disagree with the Committee's resolution, they may file an appeal with the Ministry of Education.

Article 20 The Committee shall appoint one of its members to draft the arbitration letter based on the arbitration results. The letter shall take effect upon deliberation and passage by the Committee and signature by the chair.

Members who hold a dissenting opinion on the Committee's resolution may request that their opinion be included in the meeting minutes.

Article 21 The following items shall be fully indicated in the arbitration letter:

1. The appellant's name, date of birth, National ID number (applicable identification document number), affiliation and job title, permanent and current places of residence, and contact number
2. If the appeal letter is filed by an agent or a representative: the representative's name, date of birth, National ID number (or applicable identification document number), permanent and current places of residence, and contact number
3. The unit that issued the original measure(s)
4. The resolution, including the main text, facts, and justifications (facts may be omitted for appeals that are rejected)
5. The signature of the chair (or acting chair if the chair is unable to perform their duties for any given reason, which shall be indicated)
6. The date of issuance of the arbitration letter

The arbitration letter's footnotes shall indicate that the appellant or defendant may file an appeal with the Ministry of Education within 30 days starting from the day after the arbitration letter is received.

Article 22 Arbitration letters shall be issued in the name of the University and delivered to the appellant, defendant, and Ministry of Education using a verifiable method within 15 days of issuance.

For appeals filed by an agent or a representative, the delivery of the arbitration letter, as described in the preceding paragraph, shall be effectuated towards the agent or representative, except where the agent's or representative's authority to receive notice is limited. In the event that an appeal is filed by multiple agents and/or representatives, the arbitration letter shall be deemed as having been delivered as long as one of the agents and/or representatives has received it.

Article 23 Matters not addressed herein shall be handled in accordance with the *Teachers' Act, Guidelines Governing the Organization and Arbitration of Faculty Member Grievances Committees*, and other applicable regulations.

Article 24 An arbitration resolution shall be deemed as final and binding if neither the appellant nor the defendant files an appeal within 30 days, starting from the day following the receipt of the arbitration letter. The Committee shall ensure that a final and binding resolution is executed as directed. However, remedial measures suggested in arbitration letters may not violate the procedures stipulated in Articles 18 and 19.

Appellants who wish to dispute the Committee's resolution may file a written appeal with the Ministry of Education within 30 days, starting from the day following the receipt of the arbitration letter.

Chapter V Supplementary Provisions

Article 25 Appellants who find procedural flaws with the Committee's arbitration proceedings may seek administrative remedy in accordance with the applicable regulations by attaching the resolution in question.

Article 26 The Regulations shall be passed by the University Council and then implemented on the date of promulgation.

[Full Amendment History]

October 18, 1997	Passed by the University Council at its 1 st meeting, fall semester, Academic Year 1997–98, excepting Articles 1, 2, 7, 10, 11, 14, 15, 16, and 19
March 21, 1998	Passed by the University Council at its 1 st meeting, spring semester, Academic Year 1997–98, excepting Article 2
June 06, 1998	Article 2 passed by the University Council at its 2 nd meeting, spring semester, Academic Year 1997–98
July 08, 1998	Approved by the Ministry of Education via official letter Tai (87) Shen Tzu No. 87072902 with the following opinion: Amended in accordance with Explanation No.2 through 6 and submitted for approval
January 16, 1999	Title of the Directives and Articles 2, 14, 15, and 19 as well as all affected terms used throughout all articles amended and passed by the University Council at its 2 nd meeting, fall semester, Academic Year 1998–99 (yet to be approved by the Ministry of Education)

January 07, 2006	Passed by the University Council at its 2 nd meeting, fall semester, Academic Year 2005–06
March 18, 2006	Passed by the University Council at its 1 st meeting, spring semester, Academic Year 2005–06
March 28, 2006	Modification of all ‘Tiao’ to ‘Tien’ (English version unchanged) and amendment of Articles 2 through 4, 7 through 12, 14, 16 through 18, and 21 promulgated via NTU official letter Hsiao Jen Tzu No. 0950008887
October 21, 2006	Passed by the University Council at its 1 st meeting, fall semester, Academic Year 2006–07
December 08, 2006	Amended Articles 9 and 21 and promulgated via NTU official letter Hsiao Jen Tzu No. 0950042197
June 14, 2008	Passed by the University Council at its 2 nd meeting, spring semester, Academic Year 2007–08
July 15, 2008	Amended Article 1 and promulgated via NTU official letter Hsiao Jen Tzu No. 0970027122
October 15, 2011	Passed by the University Council at its 1 st meeting, fall semester, Academic Year 2011–12
October 31, 2011	Amended Articles 3, 5, 14, and 18 and promulgated via NTU official letter Hsiao Jen Tzu No. 1000048672
October 25, 2014	Passed by the University Council at its 1 st meeting, fall semester, Academic Year 2014–15
November 04, 2014	Amended Article 2 and promulgated via NTU official letter Hsiao Jen Tzu No. 1030082577
October 24, 2020	Passed by the University Council at its 1 st meeting, fall semester, Academic Year 2020–21
November 10, 2020	Amended Articles 1, 2, 7, and 26 and promulgated via NTU official letter Hsiao Jen Tzu No. 1090082886