

TKU Regulations on the Organization and Review Process of the Faculty Appeal Review Committee

TKU Regulation No. 1010010560 (11/26/2012)

Amended in Administrative Affairs Meeting (11/02/2012)

Article 1

The Faculty Appeal Review Committee (Herein referred to as the “Appeal Committee”) was established to help guarantee faculty rights, alleviate faculty disputes, promote harmony on campus, and facilitate the function of education. Its inauguration was based on Article 22 of the University Act, Article 29 of the Teacher’s Act, the Organizational and Arbitration Regulations for Teacher Grievance Committees, and Article 18 of *TKU Regulations Regarding Organizations*.

Article 2

The Appeal Committee must consist of between 15 and 21 members, including one teacher selected from each TKU college (including the Office of Physical Education), as well as teachers employed by the TKU President, educational scholars, and representatives from regional teacher organizations or branches of such organizations. Teachers involved only in instruction, who do not simultaneously hold an administrative position, must account for no less than two-thirds of Committee members. Members of either gender must account for at least one-third of the total number of members.

Committee members are not employed to serve on the Committee. They serve two-year terms, and elections to select half of the places on the Committee are held annually. Members are not allowed to serve successive terms.

If for some reason a member is away for a period of time, the end of his / her tenure will remain the same regardless of when they return.

Article 3

The Chair of the Appeal Committee is selected by Committee members, with a term of service of one year. If reelected, they may continue to serve for a further term. If the Chair is unable to host an Appeal Committee meeting, he / she must appoint a representative member to fill in.

The Appeal Committee appoints one member to serve as the Executive Secretary. The

Executive Secretary must be approved by the Chair and then employed by the TKU President.

Article 4

Appeal Committee meetings are to be convened by the TKU President or a member appointed by the TKU President. Such meetings must be organized by the Committee Convener within 20 days of receiving a written request by at least one-half of all Committee members.

Article 5

If a teacher believes that any measures employed by educational authorities or by TKU are illegal or inappropriate, leading to the infringement or loss of the teacher's rights, he / she may file an appeal.

Article 6

Teachers who do not obtain the desired outcome in an appeal may file a further appeal as outlined below:

1. If dissatisfied by measures applied by TKU, teachers may file an appeal with the TKU Appeal Committee. If the appellant does not accept the decision reached in this first appeal, he/she may file an official appeal (re-appeal) with the Ministry of Education's (MOE) Appeal Committee.
2. Those who do not accept the outcome reached by the MOE's Appeal Committee may lodge an appeal with the MOE's Higher Appeal Committee.

Article 7

If TKU does not agree with the decision reached by the MOE Appeal Committee, it may lodge an appeal as outlined in Article 6 (above).

Article 8

The filing of an appeal must be made in writing within 30 days of the day after receiving notification or becoming aware of the measure implemented by TKU. Re-appeals must be filed within 30 days of the day after the Outcome of Appeal Letter reaches the appellant.

In accordance with related laws, TKU must provide the appellant with verifiable information on the measure being implemented. The day on which the information arrives at the appellant's designated address is the day on which the appellant is considered to have become aware of the implemented measures.

Article 9

The appeal submission must comprise a Letter of Appeal clearly stating the following information (see below), along with the appellant's signature, a copy of the notification of implemented measures, and any other related documents:

1. The appellant's name, date of birth, national ID number, department and title of employment, residential address, and telephone number.
2. For a designated agent or proxy: his/her name, date of birth, national ID number, residential address, and telephone number.
3. The department / office responsible for implementing the measure or policy in question.
4. The date (year, month, day) of receiving notification or becoming aware of the measure, as well as the facts surrounding the appeal and reason(s) for appeal.
5. Desired outcome or method of recourse.
6. The date (year, month, day) of filing the appeal.
7. The school that processed the appeal.
8. Clear indication of whether the case has been filed as an official appeal or lawsuit.
When filing a second appeal, the appellant must submit the original Letter of Appeal, the original appeal's Outcome of Appeal Letter, and a document stating the date and method in which they received the Outcome of Appeal Letter.

Article 10

If an appellant's submission does not meet the requirements outlined above (Article 9), the Appeal Committee must notify the appellant, who must rectify the discrepancy within 20 days of being notified. If the appellant fails to provide the required information within the stated time frame, the Appeal Committee must conduct the review process without the required document.

Article 11

Within ten days of the day after receiving the Letter of Appeal, the Appeal Committee must notify the university or the department / office that implemented the disputed measure, and provide a photocopy of the Letter of Appeal, all related documents, and a description of the case.

Within 20 days of the day after receiving the above-mentioned notification (Article 11), the university or the involved department or office must submit an explanatory letter along with all related documents to the Appeal Committee, and send a copy of the explanatory letter to the appellant. However, if the university or the department /

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office in question deems the reasons stated by the appellant to be reasonable and legitimate, they may revoke or modify the original measure, and then notify the Appeal Committee of this change. If, by the time limit outlined above, the university or involved department / office has not yet submitted an explanatory letter, the Appeal Committee will conduct the appeal review without it.

If the appellant is required to submit extra documents (as per Article 10, above), the 10-day time frame for the Appeal Committee to receive the Letter of Appeal and send notification to the university or the corresponding department / office will begin on the day after the extra documents are submitted. If the appellant fails to submit the required documents, the 10-day time frame will begin on the day following the 20-day time limit for submitting the extra documents.

Article 12

After filing the appeal and before the Outcome of Appeal Letter has been sent, the appellant may cancel the appeal. After an appellant cancels an appeal, the Appeal Committee must terminate the appeal review process and notify the appellant and the university of this termination.

Appellants who cancel an appeal are not allowed to lodge another appeal based on the same matter.

Article 13

After the appeal is filed, if the appellant goes on to lodge an official appeal, an administrative lawsuit, or a civil or criminal lawsuit based on the same matter or a related incident, he / she must immediately notify the Appeal Committee in writing.

After receiving this notification or learning of the legal action by other means, the Appeal Committee must suspend the appeal review and notify the appellant of this suspension. After the circumstances that prompted the suspension of the case dissipate, and after the appellant submits a written request to continue the review, the review process will resume, and the appellant will be notified.

If the entire appeal case or certain parts of its verdict are contingent on the outcome of the official appeal or legal case, the Appeal Committee must suspend the review process (while the official appeal or legal case is pending) and notify the appellant in writing. After the circumstances that prompted the suspension of the case dissipate, the review may resume and the appellant must be notified in writing.

Article 14

Meetings held by the Appeal Committee to review appeal applications must be held confidential. The process of review must involve an evaluation of written documents. When necessary, however, the Appeal Committee may pass a motion to summon the appellant, related personnel, scholars and experts, or any appointed personnel from related institutions, who will be required to take part in the review and to provide first-hand explanations.

If the appellant, the university, or the department / office lodges an application to attend a Committee meeting to provide comments on the case, and if their application is approved during a Committee meeting, the Appeal Committee must designate the time and venue for the applicant to present their version of events, and notify the applicant accordingly.

Those who are allowed to attend the meeting to present their account of events are permitted to bring one other person to support or assist their view.

When necessary, the Committee may pass a motion to set up a panel consisting of at least three representative members. This panel will be expected to deliver a case report during the Committee meeting.

Article 15

Members of the Appeal Committee who are themselves involved in the appeal case must avoid participating in the review. If there are facts demonstrating that Appeal Committee members may have a vested interest or a reason for displaying partiality in a case deliberation, the appellant may submit a list of corresponding facts and reasons to the Appeal Committee and apply to have the named Committee members removed from the case. This application for temporary removal of Committee members will be decided on by the Committee.

During the review process, unless the Committee determines otherwise, Committee members are not permitted to externally communicate with the appellant, with anyone representing the appellant's interests, or anyone else with vested interests in the case.

Article 16

Except in the case of temporary suspensions of appeal cases (see Article 13), the Appeal Committee's verdict must be made within two months of the day after

receiving the Letter of Appeal. If necessary, this time period may be extended (a maximum of one time) for a period of one month. If the appellant is required to submit extra documents (as per Article 10), the two-month period of review mentioned above will begin on the day after the Appeal Committee receives all required documents. If the appellant does not provide the requested documents, the review process will begin the day after the end of the submission period for extra documents. If the review process is suspended temporarily, the two-month time period for review will start over anew when the review resumes.

When holding an Appeal Committee meeting (before compiling an Outcome of Appeal Letter), the Appeal Committee may recommend that the measure or policy objected to by the appellant be revoked.

Article 17

In any of the following circumstances, the appeal filed will not be processed:

1. The appellant does not comply with the restriction outlined in Article 8 (above).
2. The appellant does not meet the requirements for appeal.
3. The contested issue does not fall within the rights conferred to teachers.
4. The contested measure is no longer in place or the appellant's desired outcome is not plausible.
5. The appellant has already filed an appeal or previously cancelled an appeal based on the same matter or set of facts / reasons.

Article 18

When the Appeal Committee deems it necessary, it may establish a review panel (prior to the start of the official review) made up of three to five Committee members. The panel must examine all submitted documents, investigate the facts, document all related laws and applicable regulations, and present their findings during an Appeal Committee meeting.

Article 19

When making its decision, the Appeal Committee must take into account various factors: the entire procedure of the review, the loss or damage incurred by the appellant, the outcome the appellant hopes to attain, the reasons for filing the appeal, the impact of the appeal on the broader community, and other related factors.

Article 20

If an appeal is lodged without any stated reasons, the Appeal Committee will refuse to

process it.

Article 21

If the appellant clearly states the reason for appeal, the review decision should be based on the stated reason(s). If there are possible means of redressing the situation, these should be clearly expressed in the main section of the Outcome of Appeal Letter.

Article 22

Appeal Committee meetings should be attended personally by Committee members. For a meeting to commence, at least one-half of all Committee members must be present. Review decisions may only be passed after being approved of by at least two-thirds of all Committee members. For all other resolutions to be passed, at least one-half of all members must grant their approval. In the above situation, Committee members who must avoid Committee meetings due to possible partiality or other reasons may not be counted among attending members.

Article 23

During the Appeal Committee meeting, the Appeal Committee should first make decisions based on the conclusions reached during the review process, and then draft an Outcome of Appeal Letter. It must discuss the drafted resolutions and the Letter should be passed by attending members. The Letter must then be signed by the Committee Chair.

The decisions made and resolutions passed during Appeal Committee meetings are done so by anonymous ballot. The review procedure and Committee members' personal opinions are to be kept confidential.

The decisions made and resolutions passed should be clearly documented in the meeting record. The votes cast during the meeting must be collected and stowed in a sealed envelope. The envelope must then be signed by ballot supervisors – who are appointed by the Committee Chair and fellow Committee members – and kept by the Appeal Committee for future reference.

Article 24

The Appeal Committee must appoint personnel to compile records related to the review process. If requested, the differing opinions held by Committee members throughout the review or regarding review decisions should be listed in the meeting

records.

Article 25

The Outcome of Appeal Letter must contain the following information:

1. The appellant's name, date of birth, national ID number, department and title of employment, and residential address.
2. The agent or proxy's name, date of birth, national ID number, and residential address.
3. The department / office that implemented the disputed measure.
4. The main text (including concrete suggestions for methods of recourse) and the facts and reasons. If the appeal is not processed, the "facts" section may be omitted.
5. The signature of the Committee Chair. If, when the Outcome of Appeal Letter is being compiled, the Chair is for some reason unable to complete this task, the Chair's substitute must sign the document, stating the reason for the Chair's absence.
6. The date (year, month, day) of compilation of the Outcome of Appeal Letter.

The Outcome of Appeal Letter must explain that if the appellant does not accept the result of the appeal, he / she may file a further appeal with a higher appeal review body (as outlined in Article 6) within 30 days of the day after receiving the Outcome of Appeal Letter. However, if the appellant is not permitted to file a further appeal or if, in accordance with related regulations, their appeal was viewed as a further appeal, the Letter must explain that if they do not accept the result of the appeal, they may, based on the nature of the case, file an official appeal or lawsuit with the appropriate review body in accordance with related laws and in the prescribed time frame.

Article 26

The Outcome of Appeal Letter must be issued under the name of the university to which the Appeal Committee belongs. The original copy of the Letter – which must provide verifiable evidence related to the appeal – must be sent to the appellant, the department / office that implemented the disputed measure, and any local teacher organizations, and a copy of the Letter must be sent to the TKU Office of Human Resources. However, if a local teacher organization has not been officially established in accordance with related laws, the Appeal Committee is not required to send such institutions a copy of the Letter.

If the appeal case involves an agent or proxy, unless there is a restriction on sending

information to the agent, the Letter must also be sent to the agent or proxy. If there is more than one agent or proxy, the Letter must be sent to just one of these agents / proxies.

Article 27

If any of the following situations occur, the review result will be deemed as final:

1. If, within 30 of the day after receiving the Outcome of Appeal Letter, the appellant or university have not filed a further appeal.
2. The appellant files a further appeal and receives the Outcome of Further Appeal Letter.
3. An appellant, after filing an appeal in accordance with point two of Article 6, receives an Outcome of Appeal Letter.

Article 28

After the appeal decision has been finalized, the university must implement the measures outlined in the decision.

Article 29

The written submissions, descriptions, and explanations referred to throughout this set of regulations should be documented in Chinese. If written documents contain quotes in foreign languages, the quotes must be translated into Chinese and attached to the original foreign language documents. Data submitted in an appeal or higher appeal case that involves sound recordings, video recordings, or email letters must be affixed with a written transliteration, along with the time and location of filming and a statement verifying that the content is in fact authentic, original footage.

Article 30

This set of regulations will take effect on the date of its publication after being passed in an administrative affairs meeting. The same applies to any later amendments made.