

Organizational and Review Guidelines of Chung Yuan Christian University Teachers' Grievance Review Committee

2018.04.11 106 academic year university council revised.

Article 1

To protect the rights and interests of teachers and promote campus harmony, in accordance with the provisions of Article 22 of the "University Act," Article 29 of the "Teacher's Act," Article 4 of the "Organizational and Review Guidelines of Ministry of Education Teachers' Grievance review committee," and Article 22 of the Organizational Regulation of this University, Chung Yuan Christian University (hereinafter referred to as "the university") set up the "Teachers' Grievance review committee" (hereinafter referred to as "the grievance review committee") and stipulate this guidelines.

Article 2

The grievance review committee shall have 13 to 15 members, consisting of the following persons:

- (1) Teacher representative elected by each college and the physical education office: one teacher representative shall be elected by each college and the physical education office of the university.
- (2) Representative of educational scholars: one educational scholar on or off campus shall be selected by the president.
- (3) One representative recommended by local teacher organizations or their branches.
- (4) Representative of impartial upright members of society: One off-campus impartial upright member of society shall be selected by the president.
- (5) Teacher representatives selected by the president.

Among members referred to in the preceding section, teachers holding no concurrent administrative position shall be no less than two-thirds of the total membership; members of any gender shall be at least one-third of the total membership.

The review committee members shall be with a term of two years and may be re-elected once upon expiration of the term. When a member of the grievance review committee is vacant for any reason, it shall be filled according to the original selection method, and the term of the successor member shall expire on the date of the original term of office.

After the revision of this guidelines, the term of office of the members selected for the first time, among them the teacher representatives elected by each college and

physical education office shall expire at the end of the next academic year, and the term of the remaining representatives will expire at the end of the current academic year.

No member of the teacher review committee of the university may serve as a member of the grievance review committee.

Article 3

A teacher who considers that the university's measures with respect to his or her personal matters were illegitimate or inappropriate and caused damages of his or her rights and interests may file an appeal with the grievance review committee.

With respect to the cases a teacher applied in accordance with the laws, the university should act within the statutory time periods but failed to act, and the teacher consider that damaged his or her rights and interests may also file an appeal; when laws or regulations have no provisions regarding the time periods to act, those time periods shall be within two months which starts from the date the university accept the applications.

Article 4

Teachers or the university dissatisfying with the appeal review decisions may file further appeals with the "teachers' grievance review committee" of the Ministry of Education. Teachers unwilling to appeal or dissatisfying with the decisions of appeal or further appeal may, based on those natures, file lawsuits under the laws or seek reliefs in accordance with the relevant provisions of the Administrative Appeal Act, the Administrative Litigation Act, or other protection acts , etc..

Article 5

The meeting of the grievance review committee shall be convened by the president or the person designated by the president. After a written request made by members more than half of the total membership, the convener shall convene the meeting within twenty days.

Article 6

The chairman of the meeting of the grievance review committee shall be mutually elected by the members and preside over the meeting for a term of one year, and may be re-elected. The president may not be the chairman.

If the chairman referred to in the preceding section cannot preside over the meeting for any reason, one member shall be designated by the chairman as an acting chairman; if the chairman did not designate, one member shall be mutually elected to

act as the chairman.

Article 7

The meeting of the grievance review committee shall be attended by members at least one and a half of the total membership before it shall be convened; review decisions shall be approved by at least two-thirds of the attending members; decisions of other matters shall be approved by more than half of the attending members. Recused members will not be counted in the number of members present. The review decisions of the grievance review committee shall be made by anonymous voting manners, and the review processes and the opinions of individual members shall be kept strictly confidential to the public.

The voting results referred to in the preceding section shall be indicated in the minutes of the current meetings; the voting ballots shall be sealed on site, signed by the chairman of the meeting and the scrutineer elected by the members, and shall be properly preserved by the grievance review committee.

Article 8

The members of the grievance review committee with interests at stake in the appealing cases shall voluntarily recuse themselves and may not participate in the reviews.

If there are specific facts sufficient to consider that with respect to the appealing cases the members of the grievance review committee are likely to be biased, the complainants may cite the reasons and facts and file petitions with the grievance review committee for member recusals.

The petitions referred to in the preceding section shall be decided by the committee meetings.

The members of the grievance review committee do not voluntarily recuse under the circumstances specified in Section 1 and there is no petitions for recusals by the parties, the committee shall *ex officio* order them to recuse.

During the deliberation processes, except for resolutions made through the member meetings otherwise, members of the grievance review committee may not have any *ex parte* contacts with the parties, persons representing their interests, or stakeholders.

Article 9

The filing of an appeal shall be made in writing within thirty days from the next day of the date when the measures are received or known; the filing of a further appeal shall be made in writing within thirty days from the next day of the date when the appeal review decision document reaches.

The deadline for the period referred to in the preceding section shall be the current date when the petition document reaches the grievance review committee.

The university shall deliver its measures to the complainant in a manner that can be verified by reserving evidence, and the date of being delivered will be considered as the knowing date.

Article 10

If the complainant does not reside in the place where the accepting grievance review committee is located, counting for the statutory period shall be deducted from the period in transit. Except that if there is an appealing agent who resides in the place where the accepting grievance review committee is located, and may do the appealing –related activities which should be done within the time period.

For the deduction of the period in transit referred to in the preceding section, the provisions of Regulation regarding Deduction of the Period in Transit on Administrative Appeal shall apply *mutatis mutandis*.

Article 11

When two or more persons jointly file appeals against measures for the same causal facts, the provisions of Articles 21 to 27 of the Appeal Act shall apply *mutatis mutandis*.

Article 12

An appeal shall be filed with a petition document, indicating the following matters, signed or stamped by the complainant or the agent, and attached with the original measure papers, relevant documents and evidences:

- (1) The complainant's name, date of birth, identity document number, serving school and job title, domicile, telephone number.
- (2) If there is an agent or representative, his or her name, date of birth, identification document number, domicile, telephone number.
- (3) The school rendering the original measures.
- (4) The date of receiving or knowing of the measures, the facts and reasons for the appeal.
- (5) The specific remedies desired to obtain.
- (6) The year, month, day of the filing of the appeal.
- (7) The accepting grievance review committee.
- (8) Indicating that with respect to this appealing incident, whether an administrative appeal, lawsuit or labor dispute settlement procedure has been filed.

If an appeal is filed pursuant to Article 3, Section 2 of this Guidelines, the matters listed in Clauses 3 and 4 of the preceding section shall be respectively the units which shall

act, the year, month, day of the applications with the units and the legal basis, and shall also attach a copy of the original applications and the receiving evidence of the units accepting the applications.

For further appeal, the original appeal petition documents and the original appeal review decision documents shall in addition be attached, and the time and manner of being delivered shall also be prescribed.

If the filing of an appeal does not conform to the provisions under Section 1, the grievance review committee shall notify the complainant to make corrections within twenty days.

The administrative affairs related to the appealing case shall be assisted by the Department of Human Resources.

Article 13

The grievance review committee shall, within ten days from the next day of the date when the petition document is received, attach in writing a copy of the petition document and the related documents, and notify the relevant units of the university that render the original measures to explain.

The relevant units rendering the original measure shall, within twenty days from the next day of the date when the written notifications referred to in the preceding section have reached, prepare explanation documents accompanying with related documents and submit those to the accepting grievance review committee, and shall also send the transcripts of the explanation documents to the complainant. However, if the units rendering the original measures consider that the appeal has reasons, they may revoke or alter the original measures on their own, and notify to the grievance review committee by letter.

If the relevant units rendering the original measures fail to provide explanation documents by the time limit set in the preceding section, the grievance review committee shall send reminders by letter; if the explanation documents are deficient in detail and clear, they may be given another time limit to explain.

The time period referred to in Section 1, if the corrections are made in accordance with the provisions of Section 4 of the preceding article, shall be counted from the next day of the date when the corrections are made; if the corrections are not made, counted from the expiration day of the time limit for making corrections.

Article 14

After an appeal is filed and before the review decision document has delivered to the complainant, the complainant may withdraw the appeal. If the appeal has been withdrawn, the grievance review committee shall terminate the deliberation of the

appealing case and notify to the complainant and the units rendering the original measure in writing.

Article 15

If the complainant mistakenly files an appeal with the relevant units of the university other than the grievance review committee that should accept the case, the receiving units shall transfer that incident to the grievance review committee that should accept the case and notify to the complainant within ten days.

Article 16

If the appealing case falls under one of the following circumstances, it shall be decided not to accept the case accompanying with reasons:

- (1) The petition document is not accordance with the statutory forms and processes and cannot be corrected, or after being notified to correct within a time limit but the correction is not completed after the expiration of the period.
- (2) The filing of an appeal exceeds the period specified in Article 9.
- (3) The complainant is without standing.
- (4) An appeal filed under Article 3, Section 2 of this guidelines, units of the university that should act have rendered measures.
- (5) The original measures have no longer existed or the appeal is moot.
- (6) Refiling an appeal for an appealing case with the same causal facts that has been decided or withdrawn.
- (7) Other matters that are not within the scope of the reliefs for teacher's appeals under the laws.

Article 17

If the review decision of all or part of an appealing case is based on whether the legal relation of the administrative appeal, lawsuit or labor dispute settlement is established, the grievance review committee may suspend the deliberation of the appealing case before the administrative appeal, lawsuit or labor dispute settlement process is concluded, and notify to the complainant in writing; after the causes for the suspension are eliminated, through the notification by the complainant or the competent educational administrative agency, or when the grievance review committee has known, the deliberation shall be continued and the complainant shall be notified in writing.

Article 18

The meeting of the grievance review committee shall normally not be made public.

During the deliberation, the members of the grievance review committee may invite the complainants, related persons, scholars and experts, or the persons designated by the relevant agencies to present on the site to explain. If the complainant applies for an explanation on the site and has justifiable reasons, the grievance review committee may designate a time and place and notify him or her to present on the site to explain. When presenting on the site to explain in accordance with the provisions of the preceding section, the complainant may accompany by one or two assistants. When it is necessary to understand the appealing case on the spot, the committee may, through its resolution, select at least three member representatives to do so; and report to the committee during the meeting.

Article 19

The complainant or the agent may request the grievance review committee for reading, transcribing, copying or video recording the relevant materials or files, or prepaid fees for a request to be given the transcript, copy or abridgement. But only for the protection of his or her interests as a matter of law and to the extent that is necessary. For the operational matters referred to in the preceding section, the provisions of Articles 49 to 51 of the Appeal Act shall apply *mutatis mutandis*.

Article 20

If several appeals filed respectively are based on the same or identical kind of factual or legal reasons, the grievance review committee may jointly deliberate and decide.

Article 21

If there are no reasons for the appeal, the grievance review committee shall make a review decision of rejection.

The reasons for the original measures are inappropriate, but be considered justified by other reasons, it shall be decided no reason for the appeal.

Article 22

If there are reasons for the appeal, the grievance review committee shall make a review decision with reasons, and if there are remedial measures, those shall be indicated in the main text of the review decision document.

When the review decision referred to in the preceding section has made not to maintain or revoke the original measures, and remanded to the units rendering the original measures for another measures, a proportional period of time shall be designated and order the units to do so as requested.

For the appeals filed in accordance with Article 3, Section 2 of this guidelines, if the

grievance review committee considers that those appeals have reasons, it shall designate a proportional period of time, and order the units which should act to render certain measures as soon as possible.

Article 23

The review decision of the grievance review committee shall be made within three months from the next day of the date when the petition document is received, except that the deliberation is suspended in accordance with the provisions of Article 17; if necessary, it may be extended, and notify to the complainant. The extension is limited to one time and shall not exceed the maximum two months.

The period referred to in the preceding section shall be counted from the next day of the date when the correction is made in accordance with the provisions of Article 12, Section 4; if the correction is not made, it shall be counted from the next day of the date when the period of correction is expired; if the deliberation is suspended in accordance with the provisions of Article 17, it shall be recommenced to count from the date when the deliberation is continued, and if the reason is supplemented during the period of deliberation decision, it will be counted from the next day of the date when the last supplementary reason is received.

Article 24

The review decision document shall indicate the following matters:

- (1) The complainant's name, date of birth, identification document number, serving school, job title, domicile.
- (2) If there is an agent or representative, his or her name, date of birth, identification document number, and domicile.
- (3) The school rendering the original measures.
- (4) Main text, facts and reasons. If the decision is made not to accept the case, the facts may not be described.
- (5) Signature of the chairman of the grievance review committee. If the chairman is unable to perform his or her duties for any reason when the grievance review committee makes a review decision document, the acting chairman shall sign and depict the reasons.
- (6) The year, month, day when the review decision document was made.

The review decision document shall be noted that the one who is not satisfied with the review decision may file a further appeal with the further appeal authority specified in Article 4 within thirty days from the next day of the date when the review decision document was delivered . However, if any case that may not file a further appeal or the appeal shall be deemed as a further appeal according to the regulations,

it shall be noted that the one who is not satisfied with the review decision may file an administrative appeal or lawsuit with the competent authority within the statutory time limit according to the nature of the incident and in accordance with the related laws.

The grievance review committee shall designate a person to make the review minutes attached to the file; the opinions held by the members during the deliberation that are different from the review decision shall be included in the member meeting minutes upon request.

Article 25

The review decision document shall be made under the name of the university, and prepared as an original copy, and delivered to the complainant and the units rendering the original measures under the name of the university and in a manner capable of providing verification by reserving evidence.

If there is a representative or agent in the appealing case, unless the authorization to be delivered has been limited, the delivery of the review decision document referred to in the preceding section shall be made to the representative or agent; if there are two or more representatives or agents, the delivery may only be made to either one of them.

Article 26

If the review decision falls under one of the following circumstances, it is final:

- (1) A further appeal may be filed under the regulations, the complainant or the university did not file a further appeal within thirty days from the next day of the date when the review decision document was delivered.
- (2) The further appeal review decision document has been delivered to the further complainant.
- (3) Filing an appeal for dissatisfaction with the measures rendered by the Ministry of Education, and the review decision document has been delivered to the complainant.

Article 27

After the review decision is final, with respect to the incident, it will have binding effects over every related units of the university; the units rendering the original measures shall firmly implement it.

Article 28

Those who file further appeals shall specifically describe the illegitimacy or inappropriateness of the original measures and the appeal review decisions, and shall

indicate the specific remedies desired to obtain.

If a further appeal is filed, the contexts shall not exceed those of the appeal.

Except those regulated under further appeal, the provisions of this guidelines regarding the appeal which do not conflict with the nature of the further appeal shall apply mutatis mutandis.

Article 29

For those not regulated in this guidelines, it shall be handled in accordance with the "Organization and Evaluation Guidelines for Teachers' Grievance review committee" of the Ministry of Education.

Article 30

These guidelines shall have been approved by the university council and reported to the president for promulgation and implementation, same as revision.

-Translated at CYCU HR-