

National Taiwan University of Science and Technology Directives for the Establishment and Review of the Faculty Grievance Committee

Passed at the 1st Extraordinary Meeting of the University Council on July 11, 1997
Approved by the official document (code: 86111079) issued by the Ministry of Education on September 24, 1997
Amended and passed at the 36th University Council Meeting on June 25, 1999
Approved by the official document (code: 88130889) issued by the Ministry of Education on October 22, 1990
Amended and passed at the 43rd University Council Meeting on December 20, 2002
Approved by the official document (code: 0920018224) issued by the Ministry of Education on February 10, 2003
Amended and passed at the 48th University Council Meeting on December 30, 2005
Amended and passed at the 52nd University Council Meeting on June 8, 2007
Amended and passed at the 56th University Council Meeting on June 5, 2009
Amended and passed at the 1st Extraordinary Meeting of the 64th University Council on March 22, 2013
Amended and passed Articles 3, 5, 7, 8, 9, and 10 at the 72nd University Council Meeting on June 9, 2017
Amended and passed Articles 3, 9, and 10 at the 80th University Council Meeting on June 11, 2021

1. Basis: The “Directives” are formulated in accordance with the University Act, Teachers’ Act, the Regulations Governing the Composition and Reviews of Teacher Grievance Review Committees promulgated by the Ministry of Education, and Article 44 of the National Taiwan University of Science and Technology Organizational Regulations.
2. Purpose: To protect faculty members’ rights, resolve faculty disputes, promote campus harmony, and enhance educational functions.
3. The Faculty Grievance Committee (hereinafter referred to as “the Committee”) shall consist of 23 members. The Committee shall be composed of diverse representatives of various stakeholder groups, detailed as follows:
 - (1) Faculty representatives: Faculty from each college and school shall elect 18 representatives in total, with representation allocated as follows: six representatives from the College of Engineering, five from the College of Electrical Engineering and Computer Science, three from the School of Management, one from the College of Design, two from the College of Liberal Arts and Social Sciences, and one from the College of Applied Sciences.
 - (2) Expert representatives: The President shall appoint two scholars or experts not affiliated with the university.
 - (3) Regional teacher organization representative: Taipei Teachers’ Association shall appoint one representative.
 - (4) Social justice representative: The President shall appoint one social justice representative.
 - (5) University representative: The President shall appoint one administrative staff member from the university.

The number of faculty representatives not currently holding administrative positions shall not be less than two-thirds of the total number of committee members. The number of members of any gender shall not be less than one-third of the total number of committee members. When necessary, two additional professional experts may be appointed as advisory consultants.

Members of the university’s Faculty Evaluation Committee shall not serve as members of the Committee.
4. The members of the Committee shall serve a 2-year term and may be reappointed. The term of advisory consultants shall be limited to the duration of the appeal case for which they are retained. All committee members serve on a voluntary, unpaid basis.

When a committee member vacates their position because of unforeseen circumstances, the succeeding member shall serve the remainder of the term.
5. The Chairperson of the Committee shall be elected from among the members, shall serve a term of 1 year, and shall be eligible for re-election.

When the Chairperson is unable to preside over a meeting because of unforeseen circumstances, the Chairperson may designate one member as the acting Chairperson. If the Chairperson does

not make a designation, the members shall mutually select one member to serve as the acting Chairperson.

6. The Committee shall appoint the Director of the Personnel Office as the Executive Secretary.
7. The meetings of the Committee shall be convened by the President or a person designated by the President.

If more than half of the Committee members make a written request for a meeting, the responsible party shall convene a meeting within 20 days.

8. Committee members must personally attend committee meetings. A meeting quorum shall require attendance by more than half of the Committee members. Review decisions shall require the approval of more than two-thirds of the attending Committee members. Decisions on other matters shall require the approval of more than half of the attending Committee members.

During Committee meetings, members who have recused themselves shall not be included in the count of attending members when the decisions referred to in the preceding paragraph are being made.

9. Committee members shall recuse themselves and may not participate in the review process under any of the following circumstances:

(1)When any of the situations specified in Article 32 of the Administrative Procedure Act apply.

(2)When the member has a stake in the case on appeal.

If there are specific facts that suggest the possibility of bias among the Committee members regarding the case on appeal, the grievant may present reasons supported by facts to the Committee and move for the recusal of the member(s) in question.

The application shall be reviewed at a Committee meeting.

In the event that a Committee member should recuse themselves under Paragraph 1 but they do not and the grievant does not request their recusal, the Committee shall exercise its authority to instruct them to recuse.

During the review process, Committee members shall not engage in any extrajudicial contact with the grievant, persons representing their interests, or any interested parties, except by resolution of Committee meetings.

10. Appeals: Filing, review, and decision

(1)Requirements for filing an appeal:

- i. If a university faculty member believes that the discipline imposed by the university is unlawful or improper and result in harm to their rights and interests, they may file an appeal.
- ii. If a faculty member believes that their interests are harmed by the university's failure to take appropriate action within the statutory period, they may also file an appeal. If no specific statutory period is specified for appealing a case, the period will be 2 months from the date the university begins accepting appeals.

(2)Faculty grievance actions are divided into two types: the initial appeal and a second appeal. If the grievant is dissatisfied with the discipline imposed by the university, they may file an appeal to the Committee. If they remain dissatisfied with the decision made by the Committee, they may further appeal to the Central Faculty Grievance Committee (hereinafter referred to as "the Central Committee"). If a faculty member is dissatisfied with the discipline imposed by the Ministry of Education concerning their personal matters, they may file an appeal to the Central Committee, which shall be regarded as a second appeal.

(3)The initial appeal shall be filed in writing within 30 days from the day following receipt of a notice of the discipline imposed or becoming aware of said discipline. The second appeal shall be made in writing within 30 days from the day following receipt of the appeal

determination.

The aforementioned periods are based on the date of the receipt of the appeal by the Committee.

If the grievant mistakenly files an appeal to an authority or a university department other than the Committee, the date of receipt by the authority or university will be deemed as the date on which the appeal was initiated.

If the grievant is delayed in filing the appeal within the period specified in Paragraph 1 because of natural disaster or other circumstances beyond their control, they may explain the reason for the delay in writing and request that the appeal period be extended for 10 days from the date on which the impediment to the appeal is removed. However, if the filing of the appeal is delayed for more than 1 year, no application for restoration of the appeal shall be made. When applying for restoration, the grievant shall also complete any appeal-related actions that should have been taken within the specified period.

The unit that imposes the original discipline shall deliver notice of the discipline to the grievant in a legally acceptable and verifiable manner. The date of delivery shall be regarded as the date on which the grievant is notified of the discipline.

- (4) The grievant shall complete the appeal form. A **template of the form** is as attached.
- (5) If an appeal has not been filed according to the prescribed procedure but the deficiencies in filing can be rectified, the Committee shall request the grievant rectify the situation within 20 days.
- (6) Within 10 days from the day following the **receipt** of the appeal form, the Committee shall provide written notice to the unit responsible for the original discipline, include a copy of the appeal form and relevant documents, and request that they provide an explanation for the original discipline imposed. The unit shall submit a written explanation along with relevant documents to the Committee within 20 days from the day following the receipt of the written notice and also send a copy of the written explanation to the grievant.

If the unit fails to provide an explanation within the specified period, the Committee shall send a reminder letter. If the explanation provided is insufficient, an extension period may be granted for further clarification. If, by the deadline, the unit still fails to provide an explanation or the provided explanation remains insufficient, the Committee may proceed with the review process.

If the university deems the appeal to be justified, it may revoke or modify the original discipline and inform the Committee.

- (7) After the grievant files an appeal, they may withdraw it before they receive an appeal determination. Once the appeal has been withdrawn, the Committee shall conclude the review of the appeal and send a written notification to the grievant.
- (8) The review decision concerning the entire appeal or part thereof shall be based on the existence or non-existence of a legal relation to be determined by the resolution procedures of administrative appeals, litigation, or labor disputes. The Committee may suspend review of an appeal until the resolution mechanism/procedure is concluded and, if so, shall send a written notification to the grievant. After the reason for the suspension of the review is resolved, the review process shall continue after receiving notification of resolution from the grievant, the unit responsible for the original discipline imposed, or the competent educational administrative authority or when the Committee becomes aware of such resolution. The Committee shall send written notification to the grievant of resumption of the review.

If the grievant files an appeal in accordance with the Administrative Appeal Act and then files another appeal in accordance with the Directives, the Committee shall suspend its review and send written notification to the grievant. After the reason for the suspension is resolved, the review process shall continue when notified of resolution by the grievant, the unit responsible

for the discipline imposed, or the competent authority or when the Committee becomes aware of the resolution. The Committee shall send written notification to the grievant of resumption of the review.

(9)The proceedings of the Committee shall remain confidential. However, the Committee may pass a resolution to invite the grievant and individuals, scholars, experts, or personnel assigned by relevant authorities with information or opinions relevant to the matter to attend meetings and provide explanations.

(10)The review decision of the Committee shall be made within 3 months from the day following the receipt of the appeal form, except in cases where the review process is suspended according to the regulations. If necessary, an extension may be granted, and the grievant shall be notified. No more than one extension will be granted, and the maximum extension period shall not exceed 2 months.

For cases that require rectifications, the count of the aforementioned period starts from the day following the completion of the rectifications. If rectifications are not made as required, the count starts from the day following the expiration of the rectification period. If the review process is suspended per Subparagraph 8, the count restarts from the day on which the review resumes. If the reason for the appeal is supplemented during the review process, the count starts from the day following the receipt of the final submission of the reason.

(11)Appeals involving the following circumstances shall not be accepted:

i.The appeal form does not comply with the regulations and cannot be rectified, or the grievant fails to rectify the appeal form by the deadline despite being notified to do so.

ii.The appeal is filed after the period specified in Subparagraph 3.

iii.The grievant is ineligible to appeal.

iv.The original discipline imposed no longer applies, or the appeal no longer serves any practical benefit.

v.The appeal is filed in accordance with Subparagraph 1, Item 2, but the university has taken the necessary action to resolve the matter.

vi.The appeal is filed on the same grounds and facts as an earlier appeal that has already been determined or has already been withdrawn.

vii.The review continues in accordance with Subparagraph 8, and the original discipline imposed is administrative sanction.

viii.Other matters that do not fall within the scope of a “faculty grievance” as defined by the relevant regulations.

(12)When necessary, the Committee may appoint three to five members to conduct an initial review before the formal review commences. After thoroughly examining the evidence, analyzing the facts, and considering the applicable regulations, the appointed members shall present their review and opinion at a Committee meeting. Except for cases that are denied, appeals without appropriate grounds shall be rejected following review by the Committee. Appeals with appropriate grounds shall be granted following review by the Committee, and any remedies shall be specified in the main body of the appeal decision.

The review decisions of the Committee shall be made through a show of hands or anonymous voting and shall be unanimous. The review process and individual opinions of the Committee members shall be kept strictly confidential.

The voting results concerning review decisions shall be recorded in the minutes of the meeting. If a voting process is used, the ballots shall be sealed on the spot and signed by the Chairperson and the designated supervising Committee members elected by the Committee members. The Committee shall properly preserve the sealed ballots.

(13)The Committee shall designate personnel to prepare records and documents associated with a

review. If during the review process any Committee member disagrees with a review decision and requests to have their disagreement recorded, it shall be duly included in the Committee meeting records.

(14)The appeal review decision shall contain relevant information about the grievant, the main points, facts, and reasons, and the date on which the decision was made, and it shall be signed by the Chairperson. The document shall bear a notice stating that if the grievant is dissatisfied with the review decision, they may file a second appeal with the Central Committee within 30 days from the day following the receipt of the appeal decision.

(15)The review document shall be issued in the name of the university. An original copy of the appeal decision, bearing the name of the university and providing sufficient evidence for verification, shall be prepared. Within 15 days after the preparation of the document, the university shall deliver the original copy to the grievant and the unit responsible for imposing the original discipline.

If the grievant has a representative or agent, delivery of the appeal decision shall be made to the representative or agent, except for cases where their right to receive delivery is restricted. If there are multiple representatives or agents, delivery may be made to only one of them.

(16)The grievant or the unit responsible for the original discipline may file a second appeal in accordance with the Directives. However, if neither the grievant nor the unit responsible for the original discipline files a second appeal within 30 days from the day following receipt of the appeal decision, or if the second appeal decision is delivered to the grievant, the review decision becomes final. Once the review decision is final, the university shall duly implement it.

11. Matters not specified in the Directives shall be handled in accordance with the Regulations Governing the Composition and Reviews of Teacher Grievance Review Committees promulgated by the Ministry of Education.

Appeals by military training instructors at the university shall also be handled in accordance with the Directives.

12. The Directives and the amendments thereto shall be implemented after approval by the University Council.

***The English version is provided for reference only. The Chinese version shall prevail in case of any discrepancies between the English and Chinese versions.**

國立臺灣科技大學教師申訴書（格式）

National Taiwan University of Science and Technology Faculty Appeal Form (template)

- 一、申訴人：姓名
Grievant: Name
- 出生年月日
Day/month/year of birth
- 身分證明文件字號
Identification card/document number
- 服務學校及職稱
College and position:
- 住居所
Residence
- 電話
Phone number
- 二、代理（表）人（無則免填）：
Representative (agent) (if applicable, otherwise leave blank):
- 姓名
Name
- 出生年月日
Day/month/year of birth
- 身分證明文件 字號
Identification card/document number
- 住居所
Residence
- 電話
Phone number
- 三、原措施之學校或單位：
College or unit responsible for the original discipline
- 四、收受或知悉措施之年月日、申訴之事實及理由：
Date on which you were notified of discipline and the facts and grounds for the appeal:
- 五、希望獲得之具體補救：
Specific remedies requested:
- 六、提起申訴之年月日：
Date of filing:
- 七、受理申訴之學校申評會：
Faculty Grievance Committee of the university handling the appeal:
- 八、本申訴事件有無提起訴願、訴訟或勞資爭議處理：
Has any administrative appeal, litigation, or labor dispute resolution mechanism been initiated for this case?
- 【有提起者，應載明向何機關或法院及提起之年月日】**
[If yes, please provide the name of the authority or court and the date of initiation]
- 九、檢附文件及證據：
Attached documents and evidence (list and attach)

附註：本格式不敷使用請自行延長或繕製。

Note: If the space provided on the template is insufficient, please extend or reproduce it as needed.