**NATIONAL CHUNG HSING UNIVERSITY**

**Guidelines for the Organization of the Faculty Appeals Committee and Its Review Procedures**

 May 13, 2005— Passed by the 48th University Council Meeting

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 December 9, 2005— Amended by the 49th University Council meeting

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 December 8, 2006— (Articles 3, 7, and 8) amended and passed by the 51st University Council meeting

 December 12, 2011— (Article 5) amended by the extended 61st University Council meeting

 May 14, 2013— (All articles) amended by the 65th University Council meeting

 December 11, 2015— (Articles 5, 8, 9, 12 through 15, 17, 28, 29, 31, 32, and 34 through 36) amended by the 73rd University Council meeting

 May 13, 2016— (Article 4) amended by the 75th University Council meeting

 May 12, 2017— (Articles 4, 7 through 14, and 16 through 41) amended by the 77th University Council meeting

 December 7, 2018— (Article 5) amended by the 83rd University Council meeting

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Article 1 National Chung Hsing University (hereinafter referred to as NCHU or “the University”) has formulated the following guidelines and established the NCHU Faculty Appeals Committee (hereinafter, “the Committee”) in accordance with Article 4, Paragraph 1 and Article 8 of the University’s *Faculty Appeals Committee Review Standards* and Article 35 of the NCHU *Organizational Charter* to safeguard faculty members’ rights and interests and maintain a tranquil atmosphere on campus.

Article 2 The central competent authority for faculty appeals shall be the Ministry of Education.

Article 3 The University shall establish a faculty appeals committee to review appeals filed by NCHU faculty members.

The Committee’s expenses shall be covered by the University fund, and the Committee shall be composed of legal experts appointed or contracted by the convener. Committee members who are not NCHU faculty members may be entitled to the applicable attendance fees as per the competent authority’s regulations.

The Personnel Department shall provide assistance for Committee affairs and shall forward appeals to the convener as they are received.

Article 4 Full-time NCHU faculty members who find themselves in any of the following situations may file an appeal:

1. They believe that their personal rights and interests have been negatively affected by an administrative measure that is unlawful or inappropriate.

2. They believe that their personal rights and interests have been negatively affected by the University’s inaction towards a lawful claim beyond the mandated processing period, or for a period of two months if there is no such mandated processing period.

Faculty members agree to waive their right to an administrative appeal under the *Administrative Appeal Act* if they choose to file an appeal with the University.

Article 5 The Committee shall be composed of 17 members in total, including 12 faculty representatives (one representative each from the College of Liberal Arts, College of Science, College of Life Sciences, College of Veterinary Medicine, College of Management, College of Law and Politics, and College of Electrical Engineering and Computer Science; two representatives each from the College of Agriculture and Natural Resources and College of Engineering as well as one representative co-appointed by the Office of Physical Education and Sports, the Center for Teacher Education, the Office of Academic Affairs’ General Education Center, and the Biotechnology Center), two scholars/experts, one representative recommended by the Teachers Association of Taichung City, one unbiased third-party individual, and one University representative. The number of members of either gender shall be no less than 1/3 of the total number of members. For colleges that appoint two members, the two members shall be of opposite genders.

Depending on the nature of the appeal, the Committee may invite additional scholars and experts to provide opinions.

Committee membership is non-compensatory. Faculty representatives appointed by the colleges must be full-time associates (or higher ranking) professors at their respective appointing colleges who do not serve in any adjunct managerial role. At a minimum, 2/3 of the Committee members shall be faculty representatives. Members other than the faculty representatives and the Teachers Association of Taichung City representative shall be appointed by the NCHU President to serve a two-year term or, if a successor is not named by the conclusion of the term, until a successor is appointed.

Any vacancy that should arise during a term shall be filled by an alternate member, who shall complete the original term. Members of college-level faculty evaluation committees or the NCHU Faculty Evaluation Committee may not concurrently serve on this Committee.

Article 6 The selection of succeeding members shall be completed at least one month prior to the conclusion of the current term of office.

Within the first month of each term of office, the NCHU President shall call an inaugural meeting to elect a convener, who shall be responsible for calling and chairing all subsequent meetings. The convener shall call an interim meeting within 20 days at the written request of at least half of the Committee members.

Article 7 The convener of the Committee shall be elected from among its members and shall be the chair of Committee meetings. The convener shall serve a two-year term and may serve consecutive terms if re-elected.

The convener shall appoint an acting chair in the event that they themselves are unable to chair a meeting. In the event that no acting chair is appointed, Committee members shall select a member from among themselves to chair the meeting.

The NCHU President may not serve as convener of the Committee.

Article 8 Faculty members who wish to dispute a measure implemented by their affiliated unit may file an appeal with the Committee. Faculty members who wish to dispute the Committee’s resolution may file a further appeal with the Ministry of Education’s Central Committee for Teacher Appeals (hereinafter, “the Central Committee”).

Units that wish to dispute a resolution made by the Committee regarding the unit’s measures may file a further appeal with the Central Committee in the University’s name.

Article 9 The time required for delivering notification shall be excluded from the mandatory processing period for appellants who do not reside in the same administrative region in which the Committee is based. However, the preceding accommodation shall be waived for appellants who have a legal representative residing in the same administrative region in which the Committee is based.

The time required for delivery of notification shall be calculated in accordance with the relevant provisions set forth in the *Administrative Appeal Act*.

Article 10 Articles 21 through 27 of the Administrative Appeal Act shall apply to the handling of appeals filed by two or more appellants.

Article 11 Appeals and further appeals must be filed in writing within 30 days of the day following the appellant’s acceptance or acknowledgement of the original measure or the Committee’s resolution.

The determination of the filing date of the appeal or further appeal shall be based on the date on which the Committee or the Central Committee actually receives the appeal or further appeal.

For faculty members who file an appeal with an agency or institution other than the Committee by mistake, the appeal filing date shall be the date on which the said agency or institution accepts the appeal.

Appellants who are unable to file an appeal by the deadline described in the first paragraph due to a natural disaster or force majeure event unattributable to themselves may ask the Committee or the Central Committee within 10 days of the conclusion or elimination of the disaster or event to reset the deadline. However, in the event that one year has passed since the appeal deadline, the appellant shall also be required to make up for the necessary appeal forms and procedures.

The appellant is deemed to have acknowledged the Committee’s notification if the University can produce verifiable proof of delivery of notification.

Article 12 To file an appeal, appellants shall fill out a letter of appeal, sign it personally or have it signed by their representative, and submit it together with proof of the original measures and other supporting documents. The letter of appeal shall contain the following information:

1. The appellant’s name, date of birth, identification document number, affiliation and job title, residential address, and telephone number; if applicable, the representative’s name, date of birth, identification document number, residential address, and telephone number

2. If an attorney is hired, the attorney’s name, date of birth, identification document number, residential address, and telephone number

3. The unit that issued the original measure(s)

4. The date on which the appellant received or became aware of the measures; the facts of the case and the reason for the appeal

5. The specific remedies the appellant is seeking

6. The date on which the appeal is to be filed

7. The institution which will accept the appeal

8. Indication of whether an administrative appeal or litigation has been filed for the same case; if so, the institution or court the appeal or litigation was filed with

For appeals filed under Article 4, Paragraph 1, Subparagraph 2 herein, the letter of appeal shall indicate the unit that failed to take action, the date of the original claim, and the regulatory basis for the original mandatory processing deadline instead of the information described in Subparagraphs 3 and 4 of the preceding paragraph. Appellants shall also attach a photocopy of the original claim and proof of the unit’s acceptance of it to the letter of appeal.

To file a further appeal, appellants shall submit the original letter of appeal and the original resolution notification with time and method of delivery indicated.

Article 13 If an appellant’s appeal is not filed in accordance with the appropriate formalities and procedures but is deemed rectifiable, the Committee shall notify the appellant within 20 days to make the necessary corrections.

Article 14 The Committee shall forward a photocopy of the letter of appeal and any affixed supporting documents to the unit which issued the original measure within 10 days of the day after the Committee’s acceptance of the appeal to notify the unit and request a statement from the unit in writing.

The original unit shall provide a statement and any supporting documents for the Committee within 20 days of the day after the delivery of the notification described in the preceding paragraph. A copy of the statement shall be delivered to the appellant. However, the original unit may choose to rescind or modify the measure(s) in question if it considers the appeal to be valid, in which event the Committee shall be notified in writing.

The Committee shall issue a written reminder with an extended deadline to the original unit if the latter fails to provide a satisfactory response or any response at all by the aforementioned deadline. If the original unit still fails to provide a satisfactory response by the extended deadline, the Committee may step in and review the case on its own authority.

For appeals requiring corrections, the deadline described in Paragraph 1 shall be based on the day following the submission of the corrected letter of appeal or, if no corrections are made by the appellant, the day following the correction deadline.

The Committee shall notify the appellant of the deadline for providing supplementary documentation if the original unit wishes to file a further appeal.

Article 15 Appellants may rescind an appeal at any time between the filing date and receipt of the resolution notification, upon which the Committee shall conclude its review of the appeal and notify the appellant and the original unit of such in writing.

Once an appeal is rescinded, an appellants may not file a second appeal for the same complaint.

Article 16 In the event that a faculty member files an appeal with an agency or institution other than the University by mistake, the agency or institution in question shall forward the appeal to either the Committee or the Central Committee and shall notify the appellant of such.

Article 17 In the event that the Committee’s decision on a case is, either in part or in full, contingent on the results of an administrative appeal, litigation, or a labor dispute mediation, the Committee may move to suspend its review until such proceedings are complete, and shall notify the appellant of the suspension. The Committee shall resume its review and shall notify the appellant of such upon becoming aware or being notified by the appellant, the original unit, or the competent authority of the completion of the aforementioned proceedings.

In the event that a faculty member files an appeal under the *Teachers’ Act* after filing an administrative appeal under the *Administrative Appeal Act*, the Committee shall suspend its review and notify the appellant of such. The Committee shall resume its review and shall notify the appellant of such upon becoming aware or being notified by the appellant, the original unit, or the competent authority of the completion of the aforementioned proceedings.

Article 18 In principle, the Committee’s proceedings shall be confidential.

During reviews, the Committee may move to invite the appellant, stakeholders, scholars/experts, or a representative appointed by the competent authority to make a statement at a review meeting.

The appellant or the original unit may, with justifiable cause, request permission to make a statement in person at a time and place specified by the Committee.

While making a statement as described in the preceding two paragraphs, the appellant, stakeholder, scholar/expert, or representative may ask to have one to two persons present to assist them.

If a case should so require, the Committee may move to appoint at least three members to conduct an on-site visit and report their findings at a Committee meeting.

Article 19 Committee members must recuse themselves from cases under review in any of the following circumstances:

1. Recusal is required under any paragraph of Article 32 of the *Administrative Procedure Act*.

2. They have a conflict of interest involving the case under review.

The appellant may request the recusal of certain Committee members by producing concrete evidence if they have reason to believe that such members may be biased with regard to the case under review.

The Committee shall deliberate to determine whether to grant the request described in the preceding paragraph.

The Committee shall, of its own authority, order the removal of members who are required to recuse themselves under Paragraph 1 herein, regardless of whether the parties directly involved in the case have requested the recusal.

During the case review process, members are prohibited from contacting any of the parties directly involved in the case or their representatives or stakeholders in private outside of the Committee’s review proceedings.

Article 20 The appellant or their representative may apply with the Committee to examine, transcribe, copy, or take photos of case files and records, or request a carbon copy, photocopy, or excerpt of case files upon payment of a fee in advance, provided such files or records are necessary for asserting or protecting their legal interests.

Articles 49 and 51 of the *Administrative Appeal Act* shall apply mutatis mutandis to matters related to the preceding paragraph.

Article 21 Except where a review is suspended under Article 17 herein, the Committee shall issue a resolution within three months of the day after it accepts the letter of appeal. The Committee may extend the review period once by up to two months if necessary, and it shall notify the appellant of the extension.

For cases that require corrections in accordance with Article 13 herein, the three-month period described in the preceding paragraph shall start from the day following such corrections or, if no corrections are made by the appellant, the day following the correction deadline. For cases that have been suspended in accordance with Article 17 herein, the three-month period shall reset on the day the Committee resumes its review. For cases for which new information is supplied, the three-month period shall start from the day following the provision of such information.

Article 22 The Committee shall dismiss an appeal in any of the following circumstances:

1. The appeal is not filed in accordance with the appropriate formalities and procedures and is deemed uncorrectable, or is deemed correctible but not corrected by the deadline.

2. The appeal is not filed by the deadline stipulated in Article 11 herein.

3. The appellant is not eligible to file an appeal.

4. The original measures have been rescinded, or the appeal no longer has any practical benefit.

5. The appeal is filed under Article 4, Paragraph 1, Subparagraph 2 herein, and the original unit has implemented the necessary measures in response.

6. The appeal is filed for the same reason as a previous appeal that has already been resolved or rescinded.

7. The review of the appeal is resumed by the Committee in accordance with Article 17, Paragraph 2 herein, and the appeal was filed against an administrative sanction.

8. By law, the appeal is outside of the scope of faculty appeals.

Article 23 The Committee may move to consolidate and issue a single resolution for multiple cases filed for the same underlying cause or on the same legal basis.

Article 24 If necessary, the Committee may appoint three to five members to conduct a preliminary review of the facts and evidence of a case and the applicable regulations and report back to the Committee before it begins its review of the case.

Article 25 The Committee shall base its decision on the facts of the case, the appellant’s desired remedy, the reasoning provided by parties to the case, the impact on the public interest, and other relevant factors.

Article 26 The Committee shall move to dismiss manifestly unfounded appeals.

An appeal shall be deemed unfounded if the original measure was issued as a consequence of misapplication of regulations but is deemed to be appropriate for other reasons.

Article 27 The Committee shall find an appeal meritorious if it is based on a valid reason, and the Committee shall indicate any corrective measures in the main text of the resolution notification.

If the Committee’s resolution, as described in the preceding paragraph, is to revoke the original measure or rescind the original resolution, the Committee shall implement the appropriate measure or order the original unit to do so by a given deadline.

If an appeal filed under Article 4, Paragraph 1, Subparagraph 2 herein is meritorious, the Committee shall order the competent unit to implement the appropriate measure in a timely manner by a given deadline.

Article 28 Committee members must attend meetings in person. A meeting may only be convened with at least half of the members in attendance. Resolutions regarding an appeal may only be made with at least two thirds of the attending members in concurrence, and other resolutions may only be made by at least half of the attending members in concurrence.

Members who have recused themselves shall be excluded from the calculation of the threshold for passing a resolution as described in the preceding paragraph.

Article 29 The Committee’s resolutions shall be made via a secret ballot, and absolute confidentiality shall be maintained over the process of deliberation and the opinions of individual Committee members.

The voting results, as described in the preceding paragraph, shall be recorded in the meeting minutes. All ballots shall be preserved by the Committee in a sealed envelope signed by the chair of the meeting and a vote teller elected from among Committee members.

Article 30 The Committee shall appoint personnel to prepare case records. Committee members who wish to preserve their opposing opinions shall have their opinions recorded in the meeting minutes.

Article 31 Resolution notifications shall contain the following information:

1. The appellant’s name, date of birth, identification document number, affiliation and job title, and residential address

2. If applicable, the representative’s or attorney’s name, date of birth, identification document number, and residential address

3. The name of the unit which issued the original measure

4. The main text of the resolution and the underlying facts and reasoning (facts may be omitted for cases that were dismissed)

5. The signature of the chair of the meeting (or the acting chair if the chair is unable to sign the resolution notification, in which case a reason shall be provided)

6. The date on which the resolution notification is prepared

The resolution notification shall clearly indicate that the appellant may file a further appeal with the competent authority described in Article 8 herein within 30 days, starting from the day following the delivery of the notification. If the case is ineligible for further appeal, the notification shall indicate that the appellant may initiate a legal action against the competent authority within the statutory period set forth in the applicable laws and regulations.

Article 32 Resolution notifications shall be issued in the name of the Committee, and the relevant proof and documentation shall be preserved by the University for verification purposes. Original copies of the resolution notification shall be delivered to the appellant and the original unit within 15 days of issuance.

Except where the authorization for delivery is restricted, the resolution notification described in the preceding paragraph shall be delivered to the representative or attorney of the case if applicable. In cases with multiple representatives or attorneys, the Committee may deliver the resolution notification to any of them.

Article 33 To file a further appeal, the appellant shall indicate in the filing document the reason why the original measure or the appeal resolution is inappropriate or unlawful and the specific remedy they are seeking.

The scope of the further appeal may not exceed that of the original appeal.

Article 34 A resolution that is eligible for appeal but is not disputed by the appellant or the original unit within 30 days of the day following delivery of the resolution notification shall be deemed as final and binding.

Article 35 If the original unit is ordered to issue a new measure following the rescission of the original measure, the original unit shall do so in accordance with the Committee’s resolution and shall notify the University of the handling results in writing.

Article 36 Letters of appeal/further appeal filed in accordance with the provisions stipulated herein shall be written in Chinese. Any cited references that are in a foreign language shall be translated into Chinese, and both the original and translated versions shall be attached.

For any audio/video recordings and emails submitted as evidence, a transcript shall be provided with indication of the time when and place where the associated materials were obtained and an affidavit that such materials were not recorded or obtained illegally.

Article 37 Appellants who believe the Committee’s resolution is a result of procedural non-compliance may seek redress in accordance with the applicable laws and regulations by including the original resolution with a letter of appeal.

Article 38 Unless otherwise stipulated herein, Articles 32 through 40 of the *Administrative Appeal Act* shall apply mutatis mutandis to matters regarding representatives.

Unless otherwise stipulated herein, Articles 71 through 74 of the *Administrative Appeal Act* shall apply mutatis mutandis to matters regarding document delivery.

Article 39 The provisions stipulated herein shall apply mutatis mutandis to appeals filed by NCHU research personnel.

Article 40 Matters unaddressed herein shall be subject to the applicable laws and regulations.

Article 41 These guidelines and any amendments made hereto shall be implemented upon passage by the University Council.