

Ming Chuan University Guidelines Concerning the Organization and Review Process of the Faculty Appeal and Review Committee

Revised and passed at the 17th University Affairs Committee Meeting on June 17, 2005

Approved by the MOE Document Tai Shen 0940089352 on June 30, 2005

- Article 1. To ensure faculty members' rights and benefits and promote harmony on campus, the University has established the Faculty Appeal and Review Committee in accordance with Article 29 of the Faculty Employment Law, the Ministry of Education Standards for Faculty Appeal and Review Committee Organization and Review Process, and Article 49 of the University Organizational Code.
- Article 2. Faculty members may file a claim if they consider measures taken by the university or responsible agency as illegal or inappropriate, or negatively affecting their rights and benefits as faculty members.
Faculty members may also file a claim in a court of law if they follow appropriate legal procedures and time limitations.
- Article 3. The Faculty Appeal and Review Committee consists of 15 non-paid members who serve two-year terms. The president nominates 12 members representing full-time faculty members, one member representing administrative staff, one member representing education scholars, and one member representing the Taipei District Faculty Organization or a branch thereof. The number of faculty with non-administrative appointments should comprise two thirds or more of the total number of committee members. Each gender should be represented by more than one third of the total number of committee members.
Vacancies will be filled by a successor who will serve till the term expires.
- Article 4. The Chairperson of the Faculty Appeal and Review Committee is nominated from current members and is responsible for chairing the meeting. The chairperson serves a renewable two-year term. The president is excluded from nomination. Should circumstances warrant it, the Chairperson may designate a Deputy Chairperson to chair the meeting on his or her behalf.
- Article 5. The Faculty Appeal and Review Committee is convened by the president or a person appointed by the president. Should a majority of the total committee members submit a written request to convene the meeting, the convener must act within 20 days.
- Article 6. Jurisdiction matters involving faculty appeals and re-appeals may be summarized as follows:
1. Faculty members filing a claim against the University measures may submit it to Faculty Appeal and Review Committee of the university. Should a faculty member refuse to accept a resolution, he or she may appeal to the Ministry of Education Faculty Appeal and Review Committee.
 2. Faculty members filing a claim against the Ministry of Education measures must submit it to the Ministry of Education Faculty Appeal and Review Committee if the resolution is still not satisfactory.
- Article 7. Should the university refuse to accept the resolution offered, it may submit an appeal in accordance with the previous article.
- Article 8. Claims must be submitted in writing within 30 days, beginning the day after the offending measures have come to the claimant's attention. A second appeal must be presented in writing and submitted within 30 days, beginning the day after the arrival of the Review Statement.
- Article 9. Claims will be submitted with a Statement of Claims signed by the claimant, documents directly involving the claims being made, other relevant documents, and the required information below:
1. The claimant's name, date of birth, identification number, university, job title, residential address, and telephone number.
 2. Personal information of the agent or person representing claimant, including his or her name, date of birth, identification number, residential address, and telephone number.
 3. University or responsible agency against which claim is being made.

4. Detail of the claim and the reason claim has been filed.
5. Compensation being demanded.
6. Date claim has been submitted.
7. University or responsible agency that will receive and process claim.
8. Clear statement concerning whether or not an appeal or lawsuit has already been filed.

When making a second appeal, the original Statement of Claims and Review Statement should be attached for further review.

Article 10. If a claim is submitted which does not follow rules established by precedent, the Faculty Appeal and Review Committee may fix an appropriate deadline, allowing time for the claimant to be notified and time for the claimant to submit the required documentation. Should the claimant fail to meet the deadline, the Faculty Appeal and Review Committee may proceed without the requested documents.

Article 11. The Faculty Appeal and Review Committee must make a written request for explanation to the university against which the claims are being made within ten days, beginning the day after the Statement of Claims is received. This request must be accompanied by copies of both the Statement of Claims and other relevant documents.

Upon receiving written request from the Faculty Appeal and Review Committee, the University should send a written explanation along with all related documents to the Faculty Appeal and Review Committee, with the deadline being 20 days beginning from the next day upon receipt. If the university considers the claim valid, the university may make appropriate changes addressing the claim, and notify the Faculty Appeal and Review Committee.

If the university fails to meet the deadline by which the statement is submitted, the Faculty Appeal and Review Committee may proceed without the statement.

The ten-day period stated at the beginning of this article commences the next day upon the receipt of supplementary documents in accordance with rules stipulated in Article 10.

Article 12. A claim that has been filed may be withdrawn prior to the arrival of the Review statement. Once the claim is withdrawn, there is no need for the Faculty Appeal and Review Committee to review the case. The Committee should terminate proceedings and notify the claimant and university accordingly.

Once the claim is withdrawn, the claimant cannot file the claim again with the same reason and fact.

Article 13. Should the claimant file simultaneous or consecutive claims, or take civil or criminal action concerning matters related to the original claim, he or she should immediately notify the Faculty Appeal and Review Committee in writing.

Should the Faculty Review Committee receive notification that other claims or suits have been filed, or discover through the workplace that the above conditions exist, the Faculty Review Committee must notify the claimant in writing that the review process has been stopped. Should the conditions stopping the review process be removed, the review process may be resumed if written request is made.

Should complete or partial resolution of the claim become possible based on the tenability of other appeals or complaints, the Faculty Appeal and Review Committee must notify the claimant in writing, ceasing the review. Should the conditions stopping the review process be removed, the review process may be resumed if written request is made.

Article 14. When the Faculty Appeal and Review Committee resumes the review process as stated in the previous article, the claimant will be notified in writing.

Article 15. In principle, the minutes of the Faculty Appeal and Review Committee Meetings will not be publicized.

When conducting reviews, the Faculty Appeal and Review Committee may pass a resolution and invite the claimant, other concerned parties, scholars, professionals, or designated representatives or agents to provide explanation.

The claimant may apply to make an explanation at the Faculty Appeal and Review Committee. If a resolution is made, the Faculty Appeal and Review Committee may then notify the claimant that he or she, in the company of one other person if so desired, may attend the meeting and offer his or her opinion.

Should the need for an on-location investigation arise, the Faculty Appeal and Review Committee may resolve to nominate three to five members to conduct the investigation.

Article 16. Should the Statement of Claims lead to a conflict of interest with a Faculty Appeal and Review Committee member, he or she must avoid attending the session and refrain from becoming involved with the review.

The claimant may request that certain members be excused from the session if he or she can provide sufficient support for his or her claim that a member may be biased.

Such requirement must be submitted for the Faculty Appeal and Review Committee's resolution.

Article 17. Resolutions of the Faculty Appeal and Review Committee must be issued within three months, beginning the day after the receipt of the Statement of Claims. However, the above will not apply if the Faculty Appeal and Review Committee has ceased reviewing the case for reasons outlined in Article 13. Should the need arises, the three-month period of implementation can be extended and the claimant will be informed accordingly. Such an extension is allowed only once, and the extension must not exceed two months.

If supporting documents are submitted or if documents have been revised as mentioned in Article 10, the three-month period will begin from the next day after the arrival of the supplementary documents. In cases where parties fail to provide supplementary documents in time, the three-month period commences when the deadline for the submission of the required documents has expired. Should the Faculty Appeal and Review Committee has ceased reviewing the case for reasons outlined in Article 13, the three-month period will begin from the day of resuming the claim.

Article 18. Should any of the following conditions exist, the claim will be denied, with reasons offered for the denial of the claim.

1. The submission of Statement of Claims exceeds the period stipulated in Article 8.
2. The claimant is not eligible to file a claim.
3. The claim is more related to legal matters than to faculty rights and benefits and should be handled by a court of law.
4. No possible advantage might be gained through processing the claim.
5. The facts of the case are similar to that of a claim that has either been previously resolved or denied.

Article 19. Prior to the Review of the Statement of Claims, the Faculty Appeal and Review Committee must draft suggestions and prepare documents to be submitted for the Review.

If necessary, the Faculty Appeal and Review Committee may nominate three members to conduct research prior to the Review, which includes examining submitted documents, probing and analyzing facts, and recommending applicable regulations. The nominated members will then present their recommendations to the Faculty Appeal and Review Committee.

Article 20. During reviews, once it has been established that the Statement of Claims involves none of the situations outlined in Article 18, the Faculty Appeal and Review Committee will examine the background of the case, the damages sustained and compensation anticipated by the claimant, the reasons provided by both parties, the impact on the public interest, and other related aspects of the case.

Article 21. Claims judged to be without a sound basis will be denied by the Faculty Appeal and Review Committee.

Article 22. Claims judged to have a sound basis will be pronounced as justifiable claims. In cases where compensation is demanded, the compensation will be stated in the main body of the Review Statement.

Article 23. The Faculty Appeal and Review Committee members must attend the meeting in person. The meeting may only commence when more than a majority of the total members are present; the Review Statement may only be finalized with the consent of two thirds or more of the members' present. Resolutions on other matters may be reached with the consent of a majority or more of the members present.

Should any conflict of interest be found, the vote(s) of the concerned Committee member(s) will not be counted in the resolutions stated above.

Article 24. Resolutions of the Faculty Appeal and Review Committee are reached through anonymous voting. The review process is strictly confidential.

Article 25. Staff members must be designated to create meeting minutes for Faculty Appeal and Review Committee Meetings, with all relevant documentation attached. Should a committee member disagree with the resolution offered by the Committee, he or she may request that his or her dissent be put on the record.

Article 26. The Review Statement should clearly indicate the following:

1. The claimant's name, date of birth, identification number, university, job title, residential address, and telephone number.
2. Personal information of the person representing claimant, including name, date of birth, identification number, residential address, and telephone number.
3. University or responsible agency against which claim is being made.
4. Main body of the text.
5. Facts concerning and rationale behind resolutions. Facts may be omitted if claim is denied.
6. Signature of the Chairperson of the Faculty Appeal and Review Committee.
7. Date of the final resolution.

The Review Statement must clearly indicate that if the claimant does not agree with the resolution, he or she may appeal to the Ministry of Education within 30 days, beginning the day when the review statement was received. This does not apply to second appeals.

Article 27. The original copies of the Review Statement will be issued in the name of this university, and must be delivered to the claimant, the university, the Faculty Organization in Taipei district, and other related agencies. The delivery must be done through the postal system. If the claim is handled by an agent or representative, the delivery of the review statement will be made to him or her. Should there be more than two agents or representatives, the delivery will only be made to one of them.

Article 28. The resolutions will be considered final when the following conditions are realized:

1. Neither the claimant nor the university has filed an appeal within 30 days after receipt of the Review Statement. The 30-day period will begin one day after receipt of the document.
2. The Review Statement of a case wherein an appeal was made has been delivered to the claimant.
3. When the claim is filed in accordance with Clause 2, Article 6 of the Provisions here, the Review Statement of the filed claim is delivered to the claimant.

Article 29. The University must make the compensation recommended in the review statement once the resolution has been finalized.

Article 30. In accordance with the above Provisions, The Explanatory Statement for claim and appeal cases must be composed in Chinese. Should the documents include quotations in a foreign language, the quotations must be translated into Chinese with the original text attached.

Article 31. Upon being passed at the University Affairs Committee Meeting and approved by the Ministry of Education, these provisions were implemented. Any revision must follow the same procedure.

****In the event of any inconsistency or discrepancy between the Chinese and other language versions of this document, the Chinese version shall prevail.****