

Hungkuang University Guidelines for the Organization and Review of the Faculty Appeal Committee

11000-069

Amended and passed at the University Affairs Meeting on January 11, 2024
(refer to the detailed amendment history at the end of the document)

- Article 1 To protect faculty rights and interests, Hungkuang University (hereinafter referred to as “the University”) has established the Faculty Appeal Committee (hereinafter referred to as “the Committee”) to review and adjudicate faculty appeal cases. To this end, the Hungkuang University Guidelines for the Organization and Review of the Faculty Appeal Committee (hereinafter referred to as “the Guidelines”) have been formulated in accordance with the University Act, Teachers’ Act, and Ministry of Education’s Regulations Governing the Organization and Review of Faculty Appeal Committees.
- Article 2 Faculty members who believe that any actions taken by the University are unlawful or improper and have resulted in damage to their rights or interests may file an appeal to the Committee after all administrative remedies have been exhausted without resolution.
- Article 3
1. The Committee consists of 15 unpaid members with a 2-year term. Members are appointed by the University’s president, and they comprise faculty representatives, scholars, experts, representatives from local teacher organizations, impartial figures from the public, and University representatives. Faculty members who do not hold administrative positions must account for at least two-thirds of all committee members, and members of any one gender must constitute at least one-third of all members.
 2. If a member cannot fulfill their duties, a substitute shall be appointed to fill in the

vacancy, and this new member shall serve for the remainder of the original term.

3. Members of the Committee shall not simultaneously serve as members of the University Faculty Evaluation Committee.

- Article 4
1. The Committee shall be convened by the University's president or a designated representative.
 2. The chair of the Committee shall be elected by its members and shall preside over meetings. The term of the chair is 1 year, with the possibility of reelection for consecutive terms.
 3. If the chair is unable to preside over a meeting, they shall designate another member as the acting chair. If no designation is made, the members shall elect a temporary chair from among themselves.
 4. The University president shall not serve as the chair of the Committee.

Article 5

If a faculty member disagrees with any actions taken by the University, they may file an appeal to the Committee. If the appellant disagrees with the decision of the Committee, they may file a subsequent appeal to the Ministry of Education's faculty appeal committee.

- Article 6
1. The appellant must submit a written appeal within 30 days from the day after receiving or becoming aware of the action. For a second appeal, a written appeal must be submitted within 30 days from the day after receiving the Committee's review decision, and the appeal must be submitted to the University's Personnel Office.
 2. The appeal processing period is based on the date on which the Committee receives it.
 3. The University must, in accordance with the law, deliver its actions to the appellant in a verifiable manner. The date of delivery is considered the date of awareness.

Article 7 If the appellant does not reside where the Committee is based, the statutory period for filing an appeal shall exclude travel time. However, if the appellant has a legal representative who resides in the same location as the Committee and is capable of acting within the designated time frame, this provision shall not apply.

Article 8 If two or more appellants file a joint appeal concerning the same action based on the same facts and reasons, Articles 21 to 27 of the Administrative Appeal Act shall apply *mutatis mutandis*.

Article 9 1. Each appeal must include a written document containing the following details, signed or stamped by the appellant or their representative, along with the original action document and any relevant evidence:

- (1) The appellant's name, date of birth, identification document number, affiliated school and position, residential address, and telephone number.
- (2) If a representative or agent is used, their name, date of birth, identification document number, residential address, and telephone number.
- (3) The unit responsible for the original action.
- (4) The date on which the appellant received or became aware of the action, along with the facts and reasons for the appeal.
- (5) The specific remedy sought.
- (6) The date of the appeal.
- (7) The school or competent authority responsible for processing the appeal.
- (8) A statement indicating whether any administrative appeal, lawsuit, or labor dispute has been filed regarding the matter (if such actions have been taken, the authority or court involved and the date of filing must be provided).

2. For a second appeal, the original appeal document and the original appeal decision

must be submitted, along with information on the time and method of receiving the original appeal decision.

Article 10 If the appeal does not meet the requirements outlined in Article 9 of the Guidelines, the Committee shall notify the appellant to make corrections within 20 days. If no corrections are made by the deadline, the Committee shall directly proceed with the review process.

Article 11 1. Within 10 days of receiving the appeal, the Committee shall notify the unit responsible for the original action in writing, attaching a copy of the appeal and related documents. The Committee shall request that the unit provide an explanation regarding the original action.

2. The unit responsible for the original action must submit an explanation, along with relevant documents, to the Committee within 20 days of receiving the written notification and must also send a copy of the explanation to the appellant. However, if the unit responsible for the original action finds the appeal justified, it can revoke or amend the original action and notify the Committee in writing.

3. If the unit responsible for the original action fails to provide an explanation within the specified period, the Committee shall issue a reminder. If the explanation provided is insufficient, the unit shall be granted an additional 10 days for clarification. If no explanation is provided or if the provided explanation remains inadequate, the Committee shall directly proceed with the review process.

4. The time period specified in Paragraph 1 shall begin from the day after corrections are made as per Article 10. If no corrections are made, the time period shall start from the day after the correction deadline is reached.

Article 12 1. Even after an appeal is filed, the appellant can withdraw it at any time before the

review decision is delivered. Once an appeal is withdrawn, the Committee shall terminate the review process and notify both the appellant and the unit responsible for the original action in writing.

2. After withdrawing an appeal, the appellant shall not file another appeal based on the same facts and reasons.

Article 13 1. If the resolution of an appeal case, in whole or in part, depends on the outcomes of administrative appeals, lawsuits, or labor dispute procedures, the Committee shall suspend the review process until these procedures have been concluded and shall notify the appellant in writing. Once the reason for suspension is resolved, the Committee shall resume the review process upon notification by the appellant, the unit responsible for the original action, or the competent authority, or upon the Committee's own knowledge, and it shall also notify the appellant in writing.

2. If a faculty member files an administrative appeal in accordance with the Administrative Appeal Act and subsequently files an appeal under the Guidelines, the Committee shall suspend its review process and notify the appellant in writing. Once the reason for suspension is resolved, the Committee shall resume the review process upon notification by the appellant, the unit responsible for the original action, or the competent authority, or upon the Committee's own knowledge, and it shall also notify the appellant in writing.

Article 14 1. In principle, Committee meetings shall be held in private.

2. During the review process, the Committee can decide to invite the appellant, relevant parties, scholars, experts, or personnel designated by related authorities to provide explanations. With the exception of personnel involved in the Committee's business, other attendees are not permitted to make audio or video recordings.

3. If the appellant or the unit responsible for the original action requests to provide an

explanation in person for justifiable reasons, the Committee shall designate a time and place for them to attend and provide their explanation.

4. When providing an explanation as per Paragraph 2 or 3, the appellant or the unit responsible for the original action can be accompanied by one or two assistants.

5. If an on-site investigation is required for an appeal case, the Committee shall appoint at least three members to conduct the investigation and report back during the review process.

Article 15 1. Any Committee member who experiences any of the circumstances specified in Article 32 of the Administrative Procedure Act or has a vested interest in the appeal case must recuse themselves and shall not participate in the review process.

2. If a Committee member is suspected to be biased in an appeal case, the appellant shall provide reasons and evidence to the Committee to request that member's recusal.

3. The request mentioned in the preceding paragraph shall be decided through a Committee meeting.

4. If a Committee member does not voluntarily recuse themselves in the circumstances described in Paragraph 1 and has not been requested to do so by the parties involved, the Committee shall, on its own initiative, mandate their recusal.

5. During the review process, Committee members shall not, unless authorized by a Committee meeting decision, engage in any improper contact with the parties involved, their representatives, or other interested parties outside of the formal procedure.

6. Any improper contact shall be deemed as a violation of appeal ethics, and details of such violations shall be reported during the Committee's meeting and made available for consideration.

Article 16 1. The appellant or their representative can request the Committee to review, transcribe, photocopy, or photograph relevant materials or documents or to provide written copies,

photocopies, or excerpts upon payment of any necessary fees, provided that the request is essential for protecting legal interests.

2. The requests mentioned in the preceding paragraph shall be handled in accordance with Articles 49–51 of the Administrative Appeal Act.

Article 17 1. The Committee must decide on an appeal within 3 months from the day after receiving it, except in cases in which the review process is suspended as per Article 13. If necessary, this period may be extended, with notification to the appellant. This extension shall be granted only once and shall not exceed 2 months.

2. Regarding the period mentioned in the preceding paragraph, if corrections are made as per Article 11, this period shall be calculated from the day after these corrections are made; if no corrections are made, this period shall be calculated from the day after the correction deadline is reached; if the review process is suspended as per Article 13, this period shall be recalculated from the day on which the review process is resumed; if additional reasons are provided during the review period, this period shall be recalculated from the day after the last set of additional reasons is received.

Article 18 The Committee can decide not to accept an appeal under the following conditions:

1. The appeal document cannot be corrected as per legal procedures, or the appellant fails to make corrections within the deadline after being notified.
2. The appeal is filed after the period specified in Article 8.
3. The appellant is ineligible.
4. The original action no longer exists, or the appeal no longer has practical significance.
5. The appeal is filed again for the same facts and reasons after a decision has been made, or the appeal has been withdrawn.
6. The review process is resumed in accordance with Article 13, Paragraph 2, and

involves an administrative sanction.

7. The appeal involves matters that are not within the scope of faculty appeal remedies according to the law.

Article 19 If multiple appeals are separately filed but they are based on the same or similar factual or reasons, the Committee can consolidate the review process and issue a combined decision.

Article 20 Before making a decision, if necessary, the Committee may appoint three to five members to review the case. After thoroughly examining the evidence, analyzing the facts, and implementing the relevant regulations, these members shall present their review findings to the Committee.

Article 21 The Committee must consider the progress of the appeal case, the harm inflicted on the appellant, the remedies sought, the reasons presented by both parties, the impact perceived on public interest, and other relevant circumstances when making its decision.

Article 22 If an appeal is found to be without merit, the Committee shall issue a decision to dismiss it.

Article 23 If an appeal is found to be justified, the Committee shall issue a decision affirming it; if remedies are available, they shall be specified in the main text of the review decision.

Article 24 1. Committee members must attend meetings in person. A meeting may be held with the attendance of more than half of the members, and any decisions shall require the approval of at least two-thirds of those present. For other resolutions, a simple majority

of those in attendance shall be sufficient.

2. Members who are required to recuse themselves shall not be counted toward the number of attendees.

3. Members who are unable to attend a meeting must request leave in advance from the Committee. If a member fails to attend three meetings without leave, they may be dismissed.

Article 25 1. The Committee's decisions shall be made by unanimous consent, a show of hands, or a secret ballot. Proceedings and individual members' opinions must be kept strictly confidential.

2. The method of voting and the results must be recorded in the meeting minutes. If a secret ballot is conducted, the ballots must be immediately sealed, signed by the Chair and the members selected to monitor the voting process, and properly stored by the Committee.

Article 26 The Committee shall designate personnel to prepare meeting minutes to be attached to the case file. If any member expresses dissenting views during deliberation, upon their request, these views must be included in the meeting minutes.

Article 27 1. The review decision document shall include the following details:

- (1) The appellant's name, date of birth, identification document number, affiliated school and position, and residential address.
- (2) If a representative or agent is used, their name, date of birth, identification document number, and residential address.
- (3) The unit responsible for the original action.
- (4) The decision, facts, and reasons (if the appeal is deemed inadmissible, the facts can be omitted).

(5) The signature of the Committee's chair (if the chair is unable to perform their duties, the acting chair shall sign and note the reason for substitution).

(6) The date of issuance of the review decision document.

2. The review decision document shall include a note stating that if the appellant disagrees with the decision, they can file a second appeal within 30 days from the day of receiving the decision, as per Article 5. If a second appeal is not permitted or if the appeal is considered a second appeal within the given regulations, the document shall include a note stating that if the appellant disagrees with the decision, they can file an administrative appeal or lawsuit with the relevant authority within the statutory time frame, depending on the nature of the case and the relevant legal provisions.

Article 28 1. The review decision shall be issued in the name of the University. The original copy of the document shall be delivered to the appellant and the unit responsible for the original action in a verifiable manner within 15 days of its creation.

2. If the appeal involves a representative or agent, the review decision document shall be delivered to that representative or agent, unless their authority to receive it is restricted. In case of multiple representatives or agents, delivery to one of them is sufficient.

Article 29 1. The second appeal must clearly specify the illegality or impropriety of the original action or review decision and must outline the specific remedies sought.

2. The scope of the second appeal shall not exceed the content of the original appeal.

3. In addition to regulations pertaining to the second appeal process, the provisions of the Guidelines regarding appeals shall apply to second appeals, provided that they are not incompatible with the nature of such appeals.

Article 30 A review decision shall become final under any of the following conditions:

1. A second appeal or remedy is not filed within 30 days after the day on which the review decision is delivered to the appellant or the unit responsible for the original action, despite the right to appeal.
2. The review decision of the second appeal is delivered to the appellant or the unit responsible for the original action.
3. The appellant files an appeal with the Ministry of Education's appeal review committee against measures taken by the ministry, and the review decision is delivered to the appellant.

Article 31 1. Once a review decision becomes final, the University shall implement this decision in full.

2. If the original action is revoked and the unit responsible for the original action must make corrections, this unit shall comply with the intent of the review decision and provide written notification of the outcome to the unit handling the appeal.

Article 32 1. The statements and documents submitted for appeals and second appeals within the Guidelines must be written in Chinese. If foreign-language materials are cited, they must be translated into Chinese, with the original foreign documents attached.

2. The materials submitted for appeals or second appeals in the form of audio recordings, video recordings, or e-mails must be accompanied by a written transcript indicating the time and location of their acquisition, along with a statement confirming that they were not illegally recorded or intercepted.

Article 33 In case of an objection to any procedural actions taken by the Committee during the review process, this objection must be raised together with the review decision when seeking legal remedies.

Article 34 Matters not covered in the Guidelines shall be handled in accordance with other relevant regulations.

Article 35 The Guidelines and any amendments thereto shall be implemented after approval at the University Affairs Meeting and subsequent ratification and announcement by the president.

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Approved for reference by Tai-(85)-Shen-Zi Letter No. 85117066 in 1996

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Amended and passed at the University Affairs Meeting in February 1998

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