

靜宜大學教師申訴評議委員會組織及評議要點  
Providence University Teacher's Appeal Review Committee

Amendments were approved in the University Council meeting on January 18, 2021

1. Providence University (hereinafter referred to as "the University") has established the Teacher's Appeal Review Committee (hereinafter referred to as "the Committee") in accordance with the University Act and the University's bylaw to protect teachers' rights and promote campus harmony. These guidelines are established for this purpose.
2. Full-time (including contract) faculty members who believe that the University's actions concerning them are illegal or improper, causing harm to their rights, and are unable to resolve the issue through administrative procedures, may file an appeal.  
Full-time (including contract) faculty members who believe that their rights have been violated due to the University's failure to act on legally submitted applications within the statutory period may also file an appeal. If the law does not specify a statutory period for action, the period shall be two months from the date the application is accepted.  
Part-time faculty members who believe that the University's actions concerning their "treatment" or "dismissal" are illegal or improper and have caused harm to their rights may request relief under these guidelines.  
Military instructors may apply these guidelines.
3. The Committee members shall consist of two faculty representatives (one male and one female) who do not hold administrative positions, elected from each college (including a joint election by the General Education Center, the Office of Physical Education, and the International College); one representative from the fields of social justice, academia, local teacher organizations or associations, and one representative from the university. The number of non-administrative faculty representatives must comprise no less than two-thirds of the total number of members, and members of any one gender must account for at least one-third of the total number of committee members.  
In the event that a faculty representative (as mentioned in the previous paragraph) is unable to serve, the position will be filled by an alternate member, who will serve until the original term ends. The Committee will appoint one executive secretary, who will be the Secretary General.  
Committee members are not allowed to concurrently serve on the University's Faculty Review Committee.
4. The Committee members must be appointed before the start of the academic year. The appointment process is as follows:
  - (1) Faculty representatives shall be elected, and an equal number of alternate members shall also be selected.
  - (2) The representatives from the fields of social justice, academic experts, and the university shall be appointed by the university president.
  - (3) The local teacher organization or branch shall nominate one committee member and one alternate member.
5. The term of office for Committee members is two years, with the possibility of re-election for one additional term. The Chairperson of the Committee shall be elected by the members and will serve for one year (from August 1 of the current year to July 31 of the following year), with the possibility of re-election. If the Chairperson is unable to preside over a meeting, they may designate a committee member to act as the Chairperson. If no designation is made, the committee members will elect a substitute from among themselves. The university president is not eligible to serve as the Chairperson.

6. An appeal must be submitted in writing to the Executive Secretary of the Committee within 30 days of receiving or becoming aware of the action in question. The date of submission is determined by the date the Committee receives the written appeal.

If the appellant mistakenly submits the appeal to an agency or institution other than the designated Appeals Committee, the date the incorrect agency or institution receives the appeal shall be considered the date of submission.

7. If the appellant does not reside in the location of the Appeals Committee, the statutory period shall exclude the time spent in transit. However, if the appellant has an authorized representative residing in the location of the Appeals Committee who can perform the necessary appeal-related actions within the designated period, this exclusion does not apply.

8. If two or more individuals file an appeal concerning the same factual basis, they may appoint one to three representatives from among them. If no representatives are selected, the committee may set a deadline for selection. If the deadline passes without a selection, the committee may appoint representatives on their behalf.

The withdrawal of the appeal requires the written consent of all appellants.

If the appeal representatives need to be replaced or if any additions or removals are necessary, the committee must be notified in writing.

The representative's authority does not cease due to the death, loss of legal capacity, or change of legal guardianship of any co-appellant.

9. An appeal must include a written appeal document, containing the following information, signed or stamped by the appellant or their representative, and accompanied by relevant evidence:

- (1). The appellant's name, date of birth, identification number, work unit and position, residential address, and telephone number. If the appeal is submitted on behalf of the original unit of the measure, the representative's name, date of birth, identification number, residential address, and telephone number must also be included.

- (2). If there is a representative, their name, date of birth, identification number, residential address, and telephone number.

- (3). The original unit responsible for the measure.

- (4). The date on which the measure was received or became known, along with the facts and reasons for the appeal.

- (5). The remedy or relief sought.

- (6). The date the appeal is submitted.

- (7). Whether a grievance, lawsuit, or labor dispute resolution has been filed in relation to the matter; if so, the specific authority or court where it was filed and the date it was initiated.

For appeals made under Article 2, Clause 2, the information mentioned in items 3 and 4 above should include the year, month, and day the original appeal was filed, along with the legal basis and a copy of the original appeal letter and receipt of submission from the original unit.

In case of a re-appeal, the original appeal letter and the original appeal review report should be attached, along with details of the time and method of receiving the original appeal review report.

10. If an appeal is not filed according to the legal procedure but can be corrected, the committee shall notify the appellant to make the necessary corrections within 20 days.

11. The committee shall, within 10 days from the day after receiving the appeal, provide a written notice along with a copy of the appeal and relevant documents, requesting the original decision-making unit to provide an explanation for the original measure. The original unit must submit a written explanation along with related documents to the committee within 20 days of receiving the notice. However, if the original unit acknowledges that the appeal is justified, it may revoke or amend the original measure and notify the committee.

If the original unit fails to provide an explanation within the specified period, the committee shall send a reminder. If the explanation provided is insufficient, the unit will be given an additional 10 days to clarify. If the explanation is still not provided or remains incomplete after the deadline, the committee may proceed to make a judgment.

The time period for the original unit begins from the day after the appeal is corrected according to the previous clause. If no correction is made, the period starts from the day the correction deadline expires.

When the original decision-making unit files a re-appeal, it must inform the original appellant, allowing them to submit additional explanations within the prescribed time.

12. After an appeal has been submitted, but before the review decision is delivered to the appellant, the appellant may withdraw the appeal in writing. Once an appeal is withdrawn, the committee is not required to make a decision, and the process shall be concluded immediately. Both the appellant and the university will be notified. After withdrawing the appeal, the appellant is not allowed to resubmit an appeal based on the same facts and circumstances.
13. If the appellant mistakenly submits an appeal to a body or school that is not the appropriate review committee, the receiving body or school shall transfer the case to the appropriate review committee within ten days and notify the appellant.
14. 14. If the decision regarding the appeal case, in whole or in part, is based on the existence of legal relationships related to other appeals, lawsuits, or labor disputes, the committee may suspend its review before the conclusion of those other procedures and shall notify the appellant in writing. Once the reason for the suspension is resolved, the committee shall continue its review upon notification from the appellant, the original decision-making unit, or upon the committee's own awareness, and shall inform the appellant in writing.

If a teacher files an appeal under the Administrative Appeal Act and subsequently files an appeal under these guidelines, the committee shall suspend its review and notify the appellant in writing. Once the reason for the suspension is resolved, the committee shall continue its review upon notification from the appellant, the original decision-making school, or the competent authority, or upon the committee's own awareness, and shall inform the appellant in writing.

15. The meetings of this committee shall generally be held in private. During the review process, the committee may decide to invite the appellant, relevant parties, scholars, experts, or personnel designated by related agencies to provide explanations.

If the appellant or the original decision-making unit requests to attend and provide an explanation with valid reasons, the committee may designate a time and place for them to appear.

In cases where it is necessary to conduct an on-site investigation regarding the appeal, the committee may, by resolution, appoint at least three representatives to carry out the investigation.

16. If a committee member has any of the circumstances specified in Article 32 of the Administrative Procedure Act or has a vested interest in the appeal case, they must recuse themselves and may not participate in the review.

If there are concrete facts that suggest a committee member may be biased regarding the appeal case, the appellant may request the committee to disqualify that member, providing the reasons for their request. Such requests will be decided by the committee. If a committee member falls under the first condition and does not voluntarily recuse themselves, and there has been no request from the parties involved for their recusal, the committee shall, on its own authority, order the member to recuse themselves.

17. The appellant or their representative may request to the appeal committee to view, copy, or photograph relevant materials or documents. They may also request to pay the necessary fees for obtaining copies, duplicates, or excerpts, but this is limited to cases where it is necessary to protect legal interests.
18. The committee's decision, except in cases where the deliberation is suspended as per point fourteen, shall be made within ninety days from the day after receiving the appeal letter. If necessary, an extension may be granted, and the appellant will be notified. The extension is limited to one time and shall not exceed sixty days. Before the drafting of the deliberation report, the committee may recommend the suspension of the execution of the original measures against the appellant.

For the preceding period, if a correction is made as per point ten, the calculation shall start from the day after the correction is made; if no correction is made, it will start from the day after the correction deadline; in cases where deliberation is suspended as per point fourteen, it will restart from the day deliberation resumes; and if reasons are supplemented at the time of the deliberation decision, the calculation will start from the day after the last supplementary reason is received.

19. The committee shall issue a reasoned decision of non-acceptance for appeal cases that fall under any of the following circumstances:
  - (1). The appeal letter does not follow the legal procedures and cannot be corrected, or the appellant fails to complete the corrections within the deadline after being notified.
  - (2). The appeal is filed beyond the deadline stipulated in point six.
  - (3). The appellant is not eligible.
  - (4). The original measures do not exist, or the appeal has no practical benefit.
  - (5). In cases where the original measures have already been executed as stipulated in the second section of point two.
  - (6). An appeal is filed again for the same reasons after a decision has already been made or the previous appeal has been withdrawn.
  - (7). The measures, which are administrative actions, continue to be reviewed as per the provisions of point fourteen, section two.
  - (8). Other matters that are not within the scope of teacher appeal relief as stipulated by law.
20. If multiple appeals are filed based on the same or similar factual or legal grounds, the committee may consolidate the reviews and decisions.
21. When necessary, the committee may designate members to form a special task force for examination. After thoroughly reviewing the evidence and analyzing the facts and applicable laws, the members will present their recommendations to the committee.
22. During the evaluation, the committee should consider the process of the appeal, the statements from both parties, the damages suffered by the appellant, the remedies sought, the reasons provided by both parties, the impact on public interest, and other relevant circumstances.
23. If the committee concludes that the appeal lacks merit, it shall issue a decision to dismiss it. Even if the reasons for the original measures are deemed inappropriate, if justified by other reasons, the committee shall still consider the appeal to be without merit.
24. If the committee concludes that the appeal is justified, it shall issue a reasoned decision indicating the grounds for relief, specifying any remedial measures to be taken. If the committee finds the appeal brought by the appellant under point two to be justified, it shall require the original measures unit to take specific actions within a reasonable timeframe.
25. When the committee convenes, members must attend in person. A quorum is established with the presence of more than half of the total number of members. Decisions on the evaluation report

require the agreement of at least two-thirds of the attending members, while other matters require a majority vote of those present. In the case of the evaluation decision, members who should recuse themselves due to conflicts of interest will not be counted in the quorum or in the number of attendees.

26. Decisions made by the committee will be conducted by consensus, a show of hands, or a secret ballot. The proceedings and individual opinions of committee members must be kept confidential. The method of voting and the results shall be recorded in the minutes of the meeting. If a vote is taken, the ballots should be sealed immediately and signed by the meeting chair and a monitor selected by the committee, with the ballots stored securely by the committee.
27. For the cases reviewed by the committee, a designated individual shall prepare the records of the evaluation. Any differing opinions held by committee members during the evaluation, upon their request, shall be included in the records.
28. The evaluation report shall include the following items:
  - (1). The name, date of birth, identification document number, service unit, job title, and residence of the appellant.
  - (2). If there is an agent or representative, their name, date of birth, identification document number, and residence.
  - (3). The unit responsible for the original measures.
  - (4). The main text of the decision.
  - (5). The facts and reasons for the decision; in the case of a non-acceptance decision, the facts may be omitted.
  - (6). The signature of the committee chair.
  - (7). The date of the evaluation decision.

The evaluation report shall also include a note stating that if the appellant is dissatisfied with the decision, they may file a further appeal with the central competent authority within thirty days from the day after the delivery of the evaluation report. However, military training instructors who are dissatisfied with the appeal evaluation decision must submit their further appeal to the Student Military Training Division of the Ministry of Education.

29. The evaluation report shall be issued in the name of "Providence University," with the original report prepared and delivered to the appellant and the university within fifteen days of its completion, in a manner that allows for verification.

If there is a representative or agent for the appeal case, the report shall be sent directly to the representative or agent, unless there are specific limitations on the delivery authority. If there are multiple representatives or agents, the report may be sent to just one of them.

30. For a further appeal, the appellant must specifically state the illegality or impropriety of the original measures and the original appeal evaluation decision, and must specify the concrete remedies they wish to obtain.

The scope of the further appeal shall not exceed the content of the original appeal.

31. If neither the appellant nor the university files a further appeal within thirty days of the delivery of the evaluation report, the evaluation decision shall be deemed final.
32. The university shall implement the remedial measures suggested in the evaluation report. If the university believes that the remedial measures indeed contradict the law or are practically impossible to carry out, or if it disagrees with the reasons stated in the evaluation report, it

shall file a further appeal within thirty days from the following day. The university must comply with the resolution of the further appeal.

33. The explanations and relevant documents for appeals as stipulated in these guidelines shall be written in Chinese. If any foreign text is quoted, it must be translated into Chinese and accompanied by the original text.
34. If the appellant disagrees with any procedural actions taken by the appeal evaluation committee during the proceedings, they should seek relief alongside the evaluation decision.
35. These guidelines shall be implemented after being approved by the university affairs meeting and announced by the president, and the same applies to any amendments.

approved in the University Council meeting on February 18, 1998