

Regulations for the Establishment of the Teacher Grievance Review Committee

Chapter 1 General Provisions

- Article 1 To provide guidelines for handling grievances of the University's teachers, and per the Guidelines for the Organization and Review of Teacher Grievance Review Committees published by the Ministry of Education, as well as Article 24 of the University's Articles of Organization, these Regulations for the Establishment of the Teacher Grievance Review Committee (below, the “Regulations”) are established.
- Article 2 Teachers may file a grievance or re-grievance if they believe that the University's measures against them are unlawful or improper and that they have damaged their rights and interests.
- If teachers believe that their rights and interests have been damaged by the University's failure to act within the legal period for handling their applications, they may file a grievance or re-grievance; if the law does not specify the period within which the University must act, the period shall be two months from the date the University receives the application.
- The University shall establish a Teacher Grievance Review Committee (below, the “Teacher Grievance Review Committee”) to review teacher grievances.

Chapter 2 Organization

- Article 3 The Teacher Grievance Review Committee shall be established with fifteen to twenty-one members, with no less than one-third of the total number of members of any given gender, all of whom shall be unpaid, and external members may be paid for their travel expenses. Members shall be appointed by the President for a term of two years; they shall be teachers, impartial individuals from society, scholars, experts, representatives recommended by the New Taipei City Teachers' Association, and school representatives, with no less than two-thirds of the total number of teachers not concurrently in administrative positions, and up to two additional professional experts as advisors when necessary. Members of the MCUT Teacher Evaluation Committee shall not serve as members of the Teacher Grievance Review Committee. In the event of a vacancy of

the above-mentioned members, the term of office of the succeeding members shall end on the date of expiration of the original term.

Article 4 The Teacher Grievance Review Committee shall have one chairperson, who shall be elected by the members from among themselves and shall preside over the meetings; said chairperson shall have a term of two years and shall be eligible for re-election. The chairperson of the Teacher Grievance Review Committee shall not be the President of the University. If the above-mentioned chairperson is unable to chair a meeting for any reason, they shall designate one of the members to be the meeting chairperson; if the chairperson fails to designate one, the members shall elect one from among themselves to act as the meeting chairperson. If the chairperson is unable to serve out their term of office for any reason, a succeeding chairperson shall be elected by the members from among themselves; the term of office of the succeeding chairperson shall end on the date of expiration of the original term.

Article 5 The first meeting of each session of the Teacher Grievance Review Committee shall be called by the President or Dean of Academic Affairs. The convener of the above meeting shall also call the meeting within twenty days after a written request by at least one-half of the members. The Teacher Grievance Review Committee shall be conducted by staff with expertise in the rule of law, and the administrative affairs of the Teacher Grievance Review Committee shall be concurrently conducted by the secretary's office.

Article 6 The Teacher Grievance Review Committee shall be convened from time to time under the following conditions:

1. When there is a grievance, the chairperson shall convene the meeting.
2. If more than one-half of the committee members sign a request in writing, the chairperson shall convene a meeting within twenty days.

Chapter 3 Jurisdiction

Article 7 Teachers who are not satisfied with the measures of the University shall file a grievance with the Teacher Grievance Review Committee; if they are not satisfied with the decision, they shall file a re-grievance with the Ministry of Education's Teacher Grievance Review Committee.

If teachers are not satisfied with measures taken by the Ministry of Education, they shall file a grievance with the Ministry of Education's Teacher Grievance Review Committee as a re-grievance.

Article 8 The University may file a re-grievance if it disagrees with the decision of a grievance; the levels of jurisdiction shall be per Article 7.

Chapter 4 Filing of Grievances

Article 9 The filing of a grievance shall be made in writing within thirty days of the day after the measure is made known to the grievant; a re-grievance shall be made in writing within thirty days of the day after the delivery of the review letter (Form No. A010030115).

The period mentioned above shall be the date of receipt of the grievance by the Teacher Grievance Review Committee.

If a grievant mistakenly files a grievance with a unit within the University other than the Teacher Grievance Review Committee or with another school or institution, the date the grievance is received by the unit, school, or institution shall be considered the date the grievance is filed.

Article 10 The traveling period shall be deducted from the calculation of the legal period if the grievant does not reside in the local area where the Teacher Grievance Review Committee is located. However, if a grievance agent resides in the local area where the Teacher Grievance Review Committee is located, and can act for the grievance within the period, this shall not apply.

The above-mentioned deduction of the traveling period shall be per the provisions of deductions for traveling periods in an administrative appeal.

Article 11 When more than two persons jointly file a grievance against a measure for the same cause of facts, the provisions of Articles 21 to 27 of the Administrative Appeals Act shall apply.

Article 12 The grievance shall be submitted to the secretary's office by filling out a grievance form (Form No. A010030215), containing the following information, signed/sealed by the grievant or agent, and shall be accompanied by the original measure instrument and related documents and evidence:

1. The grievant's name, date of birth, ID document number, service unit,

and title, place of residence, and telephone number; or, if the original measure unit files a re-grievance, the representative's name, date of birth, ID document number, place of residence, and telephone number.

2. If there is an agent or representative, said agent or representative's name, date of birth, ID document number, place of residence, and telephone number.
3. The original measure unit.
4. The date of receipt or learning of the measures, the facts of the grievance, and the reasons for the grievance.
5. The specific remedy to be obtained.
6. The date when the grievance was filed.
7. The unit received the grievance.
8. Whether or not an appeal, litigation, or labor dispute has been filed concerning the matter under grievance; if it has been filed, state the authority or court to which it was filed and the day, month, and year of filing.

If a grievance is filed per the provisions of Paragraph 2, Article 2, the matters specified in Subparagraphs 3 and 4 of the preceding paragraph shall be the original measure unit, the day, month, and year of application to the unit, and the basis for the regulations, with a copy of the original application and proof of receipt by the school receiving the application.

With a re-grievance, the original grievance letter and the original grievance review letter shall also be attached, and the time and manner of receipt of the original grievance review letter shall be stated.

Article 13 When the Teacher Grievance Review Committee receives a grievance that is not per the legal procedures and where the situation can be corrected, the Committee shall notify the grievant to make corrections within twenty days.

Chapter 5 Review of Grievances

Article 14 The Teacher Grievance Review Committee shall, within ten days from the receiving date of the grievance letter, attach a copy of the grievance letter and related documents in writing and request that the original measure

unit provide a statement.

The original measure unit shall, within twenty days from the receiving date of the aforementioned written request, prepare a statement and relevant documents and deliver them to the Teacher Grievance Review Committee. However, if the original measure unit considers the grievance to be justified, it may withdraw or change the original measure on its own, and notify the Teacher Grievance Review Committee in writing accordingly. If the original measure unit fails to provide such a statement after the aforementioned period, the Teacher Grievance Review Committee shall send a letter to remind the unit to do so; if the statement is not detailed, the unit shall be given another deadline to provide a statement; if the unit still fails to provide a statement or if the statement is not detailed, the Teacher Grievance Review Committee may make a review directly.

The period stipulated in the first paragraph shall be counted from the day after the correction is made in accordance with the provisions of the preceding Article; if the correction is not made, it shall be counted from the day after the expiration of the correction period.

When the original unit files a re-grievance, the original grievant shall be informed that they may submit additional explanations within the period.

Article 15 After a grievance is filed, the grievant may withdraw the grievance before the grievance review letter is delivered to the grievant. If the grievance is withdrawn, the Teacher Grievance Review Committee shall conclude the review of the grievance and notify the grievant and the original measure unit in writing.

After the grievant withdraws the grievance, the grievant shall not refile the grievance for the same cause of fact.

Article 16 If a grievant mistakenly files a grievance with a unit other than the Teacher Grievance Review Committee that should receive the grievance, the receiving unit shall, within ten days, transfer the matter to the Teacher Grievance Review Committee that must receive the grievance and notify the grievant.

Article 17 If the decision of the review of all or part of the grievance is based on whether the legal relationship of the appeal, litigation, or labor dispute is

established, the Teacher Grievance Review Committee may cease the review and notify the grievant in writing before the appeal, litigation, or labor dispute procedure is completed; after the reasons for the cessation have been ruled out, and upon the notification of the grievant or the competent authority of the original measure unit, or upon the Teacher Grievance Review Committee learning of the matter, the Teacher Grievance Review Committee shall continue the review and notify the grievant in writing.

If a teacher files an appeal under the Administrative Appeal Act and then files a grievance under the Teachers' Act, the Teacher Grievance Review Committee shall cease the review and notify the grievant in writing; after the reasons for the cessation have been ruled out, and upon the notification of the grievant or the original measure school, or upon the Teacher Grievance Review Committee learning of the matter, the Teacher Grievance Review Committee shall continue the review and notify the grievant in writing.

Article 18 Teacher Grievance Review Committee meetings shall, in principle, be held behind closed doors.

The Teacher Grievance Review Committee may, by resolution, invite the grievant, related parties, and scholars/experts to be present during the review.

If the grievant or the original measure unit has a valid reason to be present at the Teacher Grievance Review Committee meeting, after the Teacher Grievance Review Committee has made a decision, the grievant may be notified or the grievant may be accompanied by one or two other persons to present their opinions in the meeting.

If there is a need for on-site investigation of the grievance, by resolution of the Teacher Grievance Review Committee meeting, at least three representatives of the Committee may be appointed to do so.

Article 19 The members of the Teacher Grievance Review Committee shall recuse themselves from participating in the review if any of the following circumstances occurs:

1. Any of the following circumstances, as defined in Article 32 of the Administrative Procedure Act:

- (1) When the member or their spouse, former spouse, relative by blood within the fourth degree, relative by marriage within the third degree, or a person having previously such relationship with the member, is a party to the matter.
 - (2) The member, or their spouse or former spouse is connected with the party in a relationship of joint holders of rights or co-obligors in the matter.
 - (3) The member is currently or has been an agent for or assistant to the party in the matter.
 - (4) The member has been a witness or expert witness in the matter.
2. Having an interest in the grievance.
 3. Recusal from the review of grievances in the same department and grade.

If there are concrete facts to support sufficiently the belief that a member of the Teacher Grievance Review Committee is likely to be biased in a grievance, the grievant may apply to the Teacher Grievance Review Committee for recusal of the member, and shall provide the facts of the reasons.

The Teacher Grievance Review Committee shall decide on the aforementioned application.

If a member of the Teacher Grievance Review Committee does not recuse themselves under the circumstances specified in the first paragraph, and has not been requested to recuse themselves by the person concerned, they shall be ordered to recuse themselves by the Committee in accordance with its authority.

The members of the Teacher Grievance Review Committee shall not have any contact with the person concerned, the person representing the person concerned, nor the interested party outside of the review process, except as resolved by the Committee.

Chapter 6 Review Decisions

Article 20 A decision of the Teacher Grievance Review Committee shall be made within three months after the receipt of the grievance, except where review is suspended in accordance with Article 17; if necessary, the

decision may be extended and the grievant shall be notified. The extension shall be limited to one time only, and shall not exceed a maximum of two months.

The period mentioned in the preceding paragraph shall be counted from the day after the correction is made, in accordance with the provisions of Article 13; if the correction is not made, it shall be counted from the day after the expiration of the correction period; if the review is ceased in accordance with the provisions of Article 17, it shall be counted again from the date of continuation of the review; if the reasons are given during the period of the review decision, it shall be counted from the day after the receipt of the last supplementary reasons.

Article 21 If the grievance has one of the following circumstances, the Teacher Grievance Review Committee shall decide not to accept it:

1. The grievance does not comply with legal procedures and cannot be corrected, or the grievant has been notified of the deadline for correction and the correction has not been completed by the end of the period.
2. The grievance is filed beyond the period stipulated in Article 9.
3. The grievant is ineligible.
4. The original measure no longer exists or the grievance has no merit.
5. The grievance was filed in accordance with paragraph 2 of Article 2 and already resolved by the University or the Ministry of Education.
6. The grievance has already been decided or withdrawn, and is filed again for the same reasons and facts.
7. The Teacher Grievance Review Committee is continuing to review the grievance in accordance with the provisions of Paragraph 2 of Article 17, and the original measures are administrative penalties.
8. Other matters that are not within the scope of teacher grievance and remedy by law.

Article 22 The Teacher Grievance Review Committee shall prepare an opinion together with the evidence and submit it for review before the grievance is reviewed.

When necessary, the Teacher Grievance Review Committee may appoint three to five members to review the grievance. After carefully reviewing

the evidence, analyzing the facts, and applying the applicable regulations, the members shall submit their review opinions to the Teacher Grievance Review Committee.

Article 23 The Teacher Grievance Review Committee shall consider the details of the grievance, the damages suffered by the grievant, the remedy desired, both parties' reasons, impact on the public interest, and other relevant circumstances in making its decision.

Article 24 The Teacher Grievance Review Committee may combine the reviews of several grievances filed separately for the same or similar factual or legal reasons, and may decide on them collectively.

Article 25 If the grievance is unjustified, the Teacher Grievance Review Committee shall make the decision to reject the grievance.

If the reasons for the original measure are improper, but the original measure is considered justified on other grounds, the grievance shall be considered unjustified.

Article 26 The Teacher Grievance Review Committee shall make a decision on the review of a grievance that is justified, and if there is a remedial measure, it shall be stated in the main text of the decision, and the date of completion shall be specified.

Article 27 The Teacher Grievance Review Committee shall meet in person with at least one-half of the total number of members present before the meeting can be held, and review decisions shall be made with the consent of at least two-thirds of the members present; other resolutions shall be made with the consent of a majority of the members present.

With resolutions mentioned in the preceding paragraph, recused members shall not be counted among the number of members present.

If a member is unable to attend a Committee meeting for any reason, they shall request a leave of absence from the Teacher Grievance Review Committee prior to the meeting. If a member fails to attend three consecutive meetings without such leave, they may be dismissed.

Article 28 The Teacher Grievance Review Committee's review decisions shall be made by unanimous consent, a show of hands, or a secret ballot, and its deliberations shall be kept strictly confidential.

Article 29 In reviewing grievances, the Teacher Grievance Review Committee shall

appoint a staff member to prepare a record of the review; any opinions held by the members in the review that differ from the decision of the review shall, upon request, be included in the record.

Article 30 The following information shall be contained in the review letter:

1. The grievant's name, date of birth, ID document number, service unit and title, place of residence, and telephone number
2. If there is an agent or representative, the agent or representative's name, date of birth, ID document number, place of residence and telephone number
3. The original measure unit.
4. The main text, facts, and reasons. If the grievance is not accepted, the facts may not be recorded.
5. The signature of the Teacher Grievance Review Committee chairperson; if the chairperson of the Teacher Grievance Review Committee is unable to perform their duties for any reason when the review is made, the acting chairperson shall sign the letter and record the reasons for the decision.
6. The date when the review letter is made. The review letter shall specify that if the grievant is not satisfied with the decision, they may file a re-grievance with the Ministry of Education within thirty days from the delivery date of the review letter.

Article 31 The original of the review letter shall be made in the name of the University, and shall be sent to the grievant or the original measure unit via registered mail within fifteen days after the completion of the review letter.

If there is a representative or agent in the grievance, except where the right of receipt is restricted, delivery of the review letter mentioned in the preceding paragraph shall be made to the representative or agent; if there are more than two representatives or agents, delivery may be made to only one of them.

Article 32 The review decision shall be confirmed if any of the following applies:

1. A re-grievance may be filed in accordance with the provisions, but the grievant or the original measure unit does not file a re-grievance within thirty days from the delivery date of the review letter.

2. The re-grievance review letter has been delivered to the re-grievant.
3. A grievance is filed in accordance with the provisions of Paragraph 2 of Article 7, and the review letter has been delivered to the re-grievant.

Article 33 When a re-grievance is filed, the grievance review's original measure and original decision shall be specifically stated as illegal or improper, and the specific remedy desired shall be stated, the scope of which shall not exceed the content of the grievance. When filing a re-grievance, the grievant must specifically state the illegal or improper nature of the original measure and original decision of the grievance review, and must also state the desired specific remedy. The scope of the remedy requested must not exceed the content of the original grievance.

Article 34 After the review decision is determined, the University shall implement the review decision accordingly.

Chapter 7 Supplementary Provisions

Article 35 Except as otherwise specified in the Gender Equity Education Act, any matter not provided for in these Regulations shall be handled in accordance with the provisions of the "Guidelines for the Organization and Review of Teacher Grievance Review Committees," as promulgated by the Ministry of Education.

Grievance cases involving MCUT military training instructors shall be handled in accordance with the provisions of these Regulations.

Article 36 After the original measure has been withdrawn, if the unit that made the original measure needs to re-establish the measure, it shall do so in accordance with the intention of the review decision, and shall inform the Teacher Grievance Review Committee or the Ministry of Education in writing of the status of handling. Article 37 The description of the grievance and re-grievance and the documents that are required to be provided in accordance with these Regulations' provisions shall be written in Chinese; the documents shall be translated into Chinese if they are quoted from foreign languages, and the original foreign language information shall be attached. The grievance and re-grievance statements and the required documents, as stipulated in these Regulations, shall be written in Chinese. If any documents are cited in a foreign language, they

shall be translated into Chinese, and the original foreign language materials shall be attached.

If the information submitted for the grievance or re-grievance is in the form of audio tapes, video tapes, or e-mails, a copy of the text shall be attached, and the time and place where it was obtained as well as a statement that it was not illegally recorded or intercepted shall be included.

Article 38 In the event that a grievant is not satisfied with the course of proceedings during the Teacher Grievance Review Committee's procedural handling, said grievant shall file a remedy in accordance with the law together with the review decision. "If a grievant is dissatisfied with the procedural handling by the Teacher Grievance Review Committee during the proceedings, they shall file a legal remedy together with the review decision."

Article 39 Unless otherwise provided in these Regulations, the agents shall be governed by the provisions of Articles 32 to 40 of the Administrative Appeal Act.

Unless otherwise provided in these Regulations, the delivery of the grievance instrument shall be governed by Articles 71 to 74 of the Administrative Litigation Act.

Article 40 These Regulations shall be promulgated and put into effect after being approved by the University Affairs Meeting and then approved by the President. The same shall apply to any amendments.