

# Organization and Key Duties of Faculty Grievances Committee

Amended on October 4, 1996, 1st University Affairs Council Meeting, AY 1996-1997

Amended on December 3, 1999, 1st University Affairs Council Meeting, AY 1999-2000

Amended on October 31, 2003, 1st University Affairs Council Meeting, AY 2003-2004

Passed on December 9, 2003, Ministry of Education Doc#0920183574

Amended on June 3, 2005, 4th University Affairs Council Meeting, AY 2004-2005

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Amended on December 23, 2005, 2nd University Affairs Council Meeting, AY 2005-2006

Amended on June 3, 2011, 2nd University Affairs Council Meeting, AY 2010-2011

Amended on December 23, 2016, 2nd University Affairs Council Meeting, AY 2016-2017

Amended on December 21, 2018, 2nd University Affairs Council Meeting, AY 2018-2019

Amended on October 23, 2020, 1st University Affairs Council Meeting, AY 2020-2021

**Article 1.** In order to protect the rights of faculty members and promote harmony on campus, National Sun Yat-sen University (hereinafter referred to as “the University”) established the Faculty Grievances Committee (hereinafter referred to as “the Committee”) in accordance with relevant bylaws and ratified by the University Affairs Council.

**Article 2.** Faculty members who feel that their rights have been compromised by unlawful or inappropriate measures by their overseeing department of the University may file a grievance.

If a faculty member believes that his or her rights or interests have been jeopardized by the University's failure to act on a case within the legal period, he or she may file a grievance. If the period of time for acting on a case is not specified in the law, it shall be two months from the date of filing the application to the University.

**Article 3.** The Committee should have 17 members, with at least one gender having 1/3 of the seats; faculty members not holding administrative positions should constitute at least two-thirds of the members and the Committee shall be made up of the following representatives:

1. 14 faculty representatives: two full-time teachers of each college; one out of two seats is re-elected each year. Faculty representatives may not concurrently hold an administrative position nor be members of the Faculty Review Committee.
2. 1 education expert: appointed by the University President.
3. 1 legal expert representative: appointed by the University President.
4. 1 regional teacher organization representative: Kaohsiung City Teacher Union

is asked to recommend a qualified teacher to serve this seat.

**Article 4.** The members of the Committee receive no remuneration and are appointed by the University President for a term of two years, regardless of the terms of office served. If a position becomes vacant for any reason, the term of office of the next appointed member shall end on the date of expiration of the original term.

**Article 5.** Chairperson of the Committee is elected amongst members. The chairperson is expected to preside over all meetings. The term of the chairperson is one year, and re-election for another term is permitted. If the chairperson is unable to chair a meeting, he/she may designate another member to be the acting chairperson.

**Article 6.** President of the University may not serve as the chairperson of the Committee.

**Article 7.** With the exception of the first meeting to be presided by the President of the University or another designated person, all remaining Committee meetings are to be presided by the chairperson.

**Article 8.** For the aforementioned meetings, more than 1/2 of the members must petition in writing, then the chairperson must convene the meeting within 20 days.

**Article 9.** A faculty member may file a grievance to the Committee if dissatisfied with the measures or services of the University.

If he/she is not satisfied with the decision of the Committee, he/she may file a grievance to the Ministry of Education. A grievance case not handled by the University's Faculty Grievances Committee may not be directly filed to the Ministry of Education.

If the faculty member is dissatisfied with the decision of the Ministry of Education, he/she may file a grievance to the Central Competent Authorities.

**Article 10.** If the University is dissatisfied with the decision on the grievance case, it may appeal to the grievance committee of the Ministry of Education.

**Article 11.** A grievance should be filed within 30 days from the day after knowing of the measure. An appeal should be filed within 30 days from the day after receiving the decision of the first grievance.

This time period shall be determined by the date of receipt of the grievance by the Committee.

If the complainant is late filing the appeal within the aforementioned period due to natural disaster or other reasons not attributable to him/her, he/she may file it to the University or the competent authority for restoration of the original status within ten days after the reason has disappeared. However, if the delay period has exceeded one year, the complainant is not allowed to file an appeal. When applying for restoration of the original status, one shall take appeal action required within the original period at the same time.

The unit issuing the measure shall send the decision on its measure to the complainant in a manner that can be verified, and the date of delivery shall be the date of knowledge. If the complainant's place of residence is not in the same administrative area as the University, the delivery period shall be deducted from the statutory period.

However, the above does not apply if the place of residence of the complainant's proxy is in the same administrative area as the University. The complainant's proxy shall act within the statutory period without delivery period deducted.

The aforementioned deduction of the period of transit shall be in accordance with the provisions of the regulations on the period of transit for appeals.

**Article 11-1.** Two or more complainants intending to file a grievance about a measure for the same reason, shall follow the provisions of Articles 21-27 of the Administrative Appeal Act.

**Article 12.** When filing for a grievance, it must include a signed petition which contains the below-listed information, the document concerning the original measure, and any relevant documents and evidence.

1. Complainant's name, birth date, ID number, place of employment and job title, address, and phone number.
2. If there is a proxy or representative, then the name, birth date, ID number, address, and phone number of that person.
3. The office of the original measure.
4. The date that the original measure was received or known, facts and reason for the grievance.
5. The compensation that the complainant is seeking.
6. The date of the grievance.
7. The office that is handling the grievance.
8. Clearly state whether the matter in this grievance is handled in any lawsuit.

When filing an appeal, the original grievance and the original decision should be attached.

**Article 13.** Any complainant that did not file all of the above items must be notified within 20 days to submit all the missing documents. If the missing documents are not provided within the time frame, the Committee may continue with proceedings.

**Article 14.** Within 10 days after receiving the grievance petition, the Committee must attach a photocopy of the grievance along with relevant documents, and ask the office of the original measure to provide an explanation. After receipt, the office should draft an explanation and send it back to the Committee within 20 days, with a copy sent to the complainant. If the office agrees with the grievance, then it can voluntarily revoke or amend the original measure, and notify the Committee in writing.

If the office of original measure does not provide an explanation within the given time frame, the Committee may continue with proceedings.

The above-mentioned period of time shall be counted from the day following the date of the submission of missing documents in accordance with the provisions of the preceding Article, and from the day following the expiration of the period for submission of the missing documents if these are not submitted.

**Article 15.** After the grievance petition has been filed, and before the decision has been received by the complainant, the complainant may withdraw the petition. If the complainant withdraws the grievance, the Committee does not need to take action and should terminate the case immediately, and notify the complainant and the office of the original measure.

After the grievance has been withdrawn, the complainant may not file another grievance on the same matter.

**Article 16.** If the faculty member filing the grievance will be simultaneously or subsequently making a civil or criminal lawsuit on the same matter, the complainant should notify the Committee by writing.

When the Committee receives notice of the aforementioned situation, it should notify the complainant in writing about the suspension of the grievance. When the reasons for suspension have been lifted, the Committee must be notified in writing to seek continuation with reviewing the grievance. The Committee must inform the complainant in writing about its decision to terminate the review of the grievance or the continuance of the review of the grievance if the final or partial decision had been made based on the outcome of other legal actions.

**Article 17.** When the Committee continues reviewing the grievance, it should inform the complainant in writing.

**Article 18.** The Committee meetings are closed to the public. When the Committee is in discussion, it may decide to invite the complainant, any parties of interest, experts and scholars to be in attendance and provide clarification. The complainant and the office responsible for the original measure may apply for attendance at the meeting. With consent from the Committee, they should be informed of the designated time and place of the meeting.

The above-mentioned persons are allowed to be accompanied by one or two persons. If it is necessary to conduct an on-site assessment, the Committee may designate at least 3 committee members for this purpose.

**Article 19.** If any Committee member has any conflict of interest with the subject of the grievance or the complainant, the Committee member should voluntarily abstain from the proceedings. If any evidence suggests that a committee member might be biased, the complainant may file a motion for the removal of that member from the proceedings and provide evidence thereof.

If a committee member who has a conflict of interest does voluntarily abstain from the proceedings, he/she shall be removed by the decision of the Committee in accordance with its duties and powers.

During the entire proceedings of the grievance, no committee member should have any contact in any way with the complainant, his/her representatives, or anyone else who may be a person of interest in the case, except if allowed to do so by the decision of the Committee.

**Article 20.** If the proceedings are not terminated as stated in Article 16, the decision on the grievance should be reached within 3 months from the day after the grievance was received. When necessary, an extension may be granted and the complainant must be notified in writing. There can only be one extension, and its term must not exceed 2 months.

The above-mentioned period shall be counted from the day following the date of submission of missing documents if the submission is made in accordance with the provisions of Article 13. If the missing documents were not submitted, the period shall be counted from the day after the expiration of the period for the submission of documents. If the proceedings were discontinued in accordance with the provisions of Article 16, the review period shall be re-calculated from the date it is continued. If relevant reasons are provided during the review period, the review period shall be calculated from the day after the reason is provided.

**Article 21.** The grievance shall not be accepted by the Committee in the following circumstances:

1. The complainant does not comply with the statutory procedures and cannot submit the missing documents or does not submit them after being informed in writing within a stipulated deadline.
2. The grievance was filed beyond the time limit stipulated in Article 11.
3. The complainant is ineligible.
4. The original measure is not in force anymore or the grievance has no real benefits.
5. If the grievance was filed in accordance with Article 2 Item 2, the unit or the educational administrative organ in charge has taken measures.
6. The grievance was made anew on a case previously decided or withdrawn.
7. In accordance with Article 16 Item 2, the original measure is an administrative disposition.
8. The grievance does not meet the requirements or is incomplete.

**Article 21-1.** If several separate grievances are filed for the same or similar factual or legal reasons, the Committee may process them jointly.

**Article 22.** Before making a decision on a grievance, the Committee must designate one member to review all the data.

If necessary, the Committee may designate three to five members to jointly review the data. Committee members must read all the information carefully, analyze the facts, apply suitable laws and regulations, and make a recommendation to the Committee.

**Article 23.** To reach a decision, the Committee must carefully assess all the claims made in the grievance such as damages incurred and the expected compensation, as well as assess facts from both sides, and the influence on public welfare and the related issues.

**Article 24.** If the grievance is without reason, the Committee may reject it.

If the reason for the original measure is improper, but the measure is considered to be proper on other grounds, the grievance shall be considered an unjustified evaluation.

**Article 25.** If the grievance is with reason, the Committee must clearly state the reason for approving the grievance and the compensation.

If the Committee decides to revoke the original measure, it shall send the decision to the responsible unit and specify the period of time to execute the decision.

If the Committee finds the grievance mentioned in Article 2 Item 2 grounded, it can request the responsible unit to take certain measures quickly in a specified period of time.

**Article 26.** All members must attend the Committee's meetings in person.

A meeting can be convened with at least 1/2 of all members in attendance. Any decision on a grievance requires more than 2/3 of the attending members to be in agreement. All other matters need the approval of over 1/2 of the attending members.

In the decision process, if a committee member needs to remove him/herself due to a conflict of interest, he/she is not counted as being in attendance.

**Article 27.** Decisions made by the Committee are ratified by inquiring about objections to be voiced, by show of hands or anonymous voting. The proceedings and each member's opinion should be kept in confidence. The voting results should be recorded in the meeting minutes. The ballots should be sealed on the spot and signed by the chairperson and advisory members and kept adequately by the Committee.

**Article 28.** All grievances should be kept on record by a designated person. If a member's view is different from that of the final decision, it should be included in the records.

**Article 29.** The decision report should clearly state the following information:

1. The complainant's name, birth date, ID number, place of employment and job title, address, and phone number.
2. If there is a proxy or representative, then the name, birth date, ID number, address, and phone number of that person.
3. The office responsible for the original measure.
4. The main text.
5. Factual data and reason (not necessary for rejected grievances).
6. Signature of the Committee chairperson or his/her deputy in case the chairperson is unable to perform his/her duties.
7. Date of the decision.

The final report with the decision must clearly state that if the complainant is dissatisfied with the decision, he/she may file an appeal within 30 days of receiving the decision. However, if the grievance cannot be filed again according to the regulations, it should be noted that if the decision is not satisfactory, an appeal or lawsuit may be filed to the competent authority within the statutory period in accordance with the nature of the issue.

**Article 30.** The final decision report must be in the name of Faculty Grievance Committee, and the original copy must be sent as an official document and mailed to the complainant and the office responsible for the original measure.

If the complainant is represented by a proxy or a representative, the final decision report should also be sent to them. If there are more than 2 proxies or representatives, the report shall be sent to only one of them.

**Article 31.** The final decision on the grievance is ascertained by one of the following conditions:

1. The grievance or the office of original measure does not file an appeal within 30 days counting from the date of receiving the final decision report.
2. The final decision report on the appeal has been sent to the complainant.

**Article 32.** Once the decision has been ascertained, the University must supervise the implementation of the decision by the relevant offices. Relevant offices shall submit a written report on the decision implementation result to the Committee.

**Article 33.** The grievance statement and the documents to attach as specified in these regulations should be provided in Chinese.

If these documents include quotes in a foreign language, they should be translated into Chinese, and the original quote in the foreign language information should be attached. If the information on the grievance or appeal is provided in the form of audio or video tape or e-mail, a transcript shall be attached, the time and place of the recording or email shall be stated, and information on whether it was illegally recorded or obtained.

**Article 34.** If the complainant is not satisfied with the Committee's proceedings, he/she can also attach an objection according to the provisions of law.

**Article 35.** The University's researchers can file a grievance following these regulations.

**Article 36.** If the complainant is represented by a proxy, the provisions of Articles 32 to 40 of the Administrative Appeal Act shall apply, except if otherwise stated.

Concerning the delivery of the grievance documents, provisions of Articles 71 to 74 of the Administrative Appeal Act shall apply unless otherwise provided herein.

**Article 37.** Any grievances not yet reviewed or finalized before the announcement of these regulations shall now be regulated by these regulations.

**Article 38.** These regulations were approved by the University Administration Meeting and the University Affairs Council and implemented upon the approval by the President. Any amendments to these regulations shall be subject to the same proceedings.

Any dispute over interpretations of these regulations shall be resolved in the court of law based on the Chinese version.