

Guidelines for Appraisal and Organization of Personnel Grievances Committee

Passed on May 15, 2019, 7th Administration Meeting of spring semester of AY 2018-2019

Article 1. These Guidelines are established by National Sun Yat-sen University (hereinafter referred to as “the University”) to protect the rights and interests of the University personnel to claim their rights and promote harmony on campus, in accordance with Implementation Guidelines for Employment of Contract Personnel (國立中山大學約用人員工作規則) and Implementation Guidelines for Review of Contract Personnel (國立中山大學職員工申訴評議委員會設置及評議要點).

Article 2. The personnel mentioned in these Guidelines refers to staff, technical employees, security guards, mechanics, maintenance workers and contract employees of the University.

Article 3. Personnel Grievances Committee (hereinafter referred to as “Committee”), established by the University, comprises 19 members elected for a term of 2 years. Members can be re-elected for a second term. No gender shall constitute less than 1/3 of the seats in the Committee. The Committee is comprised of the following representatives:

1. 7 faculty representatives
2. 5 contract employees
3. 3 members of staff
4. 2 mechanics or maintenance workers
5. 1 security guard
6. 1 legal expert

Faculty members mentioned in Article 3, Item 1, are the elected representatives of each of the seven colleges. Employees referred to in Items 2 to 5 chose their own representatives. Legal expert mentioned in Item 6 is a law specialist employed by the University President.

Each of the following categories: staff, contract employees, mechanics and maintenance workers has to be represented by at least one person of each gender.

If the above requirement cannot be fulfilled, the quota should be balanced with more representatives of one of the genders in other employee categories: staff, contract employees, mechanics or maintenance workers.

Managers of each administrative and academic level cannot be elected members of the Committee.

Article 4. If an employee of the University considers management measures or working conditions provided to him/her by the University illegal or inappropriate,

jeopardizing his/her rights and interests, he/she can file a grievance.

If a contract employee of the University does not accept a review issued in accordance with Guidelines for Appraisal and Organization of Personnel Grievances Committee, he/she can file a grievance to the Committee.

Article 5. In case a faculty representative of the Committee is absent, he/she has to designate a deputy from the same college. In case of absence of a member representing other employee category, another representative of the same category has to act as deputy. The legal expert can only have another law specialist employed by the University President as his/her deputy. The term of the deputy ends when the remaining term of the absent member expires.

If the requirement on gender quota cannot be fulfilled, the quota should be balanced with more representatives of one of the genders among other employee categories: staff, contract employees, mechanics and maintenance workers.

The deputies mentioned in Item 1 are persons who obtained the highest number of votes.

Article 6. Chairperson of Personnel Grievances Committee is elected by the members and is to preside over all meetings. The chairperson is elected for one year and can be re-elected for another term. When the chairperson is unable to chair a meeting, he/she may designate another member to be the acting chairperson.

The first meeting of the Committee in a semester has to be convoked by the Chairperson's secretary, while other meetings are to be convoked by the Chairperson.

Article 7. An employee intending to make a grievance shall file it in written form to the Committee within 30 days from the appearance of management measure or disposal.

If there are other statutory remedy measures to handle the grievance that apply to the complainant, the complainant shall seek to solve the case through these remedy channels within the statutory period, which may be affected if the grievance is filed to the Committee.

Article 8. Written grievance shall include the following information:

1. Complainant's full name, birth date, ID number, unit of employment and job title, address, and phone number.
2. Name of the responsible unit issuing a particular measure, disposal or review.
3. Date of implementation of a certain management measure, working condition or issuance of review result.
4. Facts and reasons for the grievance with proofs.
5. Expected compensation.

Two or more complainants intending to file a grievance about a measure for the same reason shall file it jointly.

Complainant who did not provide all information specified in Item 1 shall be notified

about it by the Committee and asked to complete the information within a given deadline. If the complainant fails to complete the information within the given deadline, her/his petition shall be cancelled.

Article 9. The Committee shall request an explanation from the unit responsible for the measure being object of the grievance within seven days from the receipt of the grievance, in written form and attaching a copy of the grievance statement and the related documents. Within ten days from the date of receipt of the request, the responsible unit shall draft a written explanation and send it to the Committee together with related documents. If the responsible unit considers the grievance grounded, it shall nullify or alter the measure in question and notify the Committee in writing.

If the responsible unit fails to provide an explanation within the deadline mentioned in the previous Item, the Committee can directly issue an appraisal.

Article 10. The complainant can withdraw the grievance once filed before an appraisal letter is served to him/her. If a case is withdrawn, the appraisal procedures shall be terminated, and the complainant and the responsible unit shall be notified. Once the complainant withdraws the grievance case, he/she cannot file the same grievance again.

Article 11. The complainant who, before, after or at the same time of filing a grievance, files an administrative, civil or penal case, he/she is asked to inform the Committee in writing.

In this case, the Committee shall stop processing the case of the complainant until the cessation of the reason. It shall continue its appraisal procedures if requested in written form or in accordance with its scope of duties.

Article 12. In principle, the meetings of the Committee are confidential. If necessary, the complainant and related persons can be asked to participate in the meeting to provide further explanation. The complainant himself/herself can also apply to the Committee to participate in the meeting to provide explanation during the appraisal procedures.

Article 13. By resolution of the Committee, two to three members can be assigned to conduct investigation if it is needed to solve the grievance case.

Article 14. If a Committee member considers himself/herself an interested party, he/she shall apply for withdrawal from the case. Interested parties who do not apply for withdrawal, shall be withdrawn by resolution.

If there is sufficient concrete proof that a Committee member handling the case is partial, the complainant can report this fact to the Committee and apply for the withdrawal of the member from his/her case. The member being subject of

complainant's application for withdrawal can submit a statement in response, but cannot participate in the decision-making about his/her own withdrawal.

Article 15. Excluding the case of the cessation of appraisal procedures specified in Article 11, appraisal decision of the Committee shall be issued within 3 months from the date of receipt of the grievance. This period can be extended by one month if necessary, and the complainant shall be informed.

The period of appraisal can only be extended once.

In case specified in Article 8, the appraisal period is counted from the next day after the data is completed. In case specified in Article 11, the appraisal period is counted from the day the appraisal proceedings are restarted.

Article 16. The Committee members should participate in the sittings in person. Presence of at least half of the members is required to start a sitting. A favorable vote of at least two thirds of the members is required for passing the appraisal decision; presence of at least half of the Committee members is required for passing other decisions.

Shall the Committee decide to withdraw one of the members from the case, the withdrawn member is not counted in the number of members attending a sitting. The appraisal decision is made by voting in secret ballot or other way of secret voting. The appraisal process must be kept strictly confidential by all Committee members. A secretary should be appointed to take minutes of the appraisal case of the Committee. Shall one of the members maintain an opinion differing from the appraisal decision, this shall be recorded if requested.

Article 17. In the following cases, reason for not processing a filed grievance should be provided:

1. The complainant fails to meet the deadline stipulated in Article 7, Item 1.
2. The case does not fulfill the requirements.
3. The scope of the case filed does not correspond to the scope of grievance or the case should be handled by other remedy channels.
4. The case has no actual benefits.
5. Case in which decision was already issued or case already withdrawn, but filed again with the same grievance reason.

If a case was mistakenly filed by the complainant, as mentioned in the previous Item, Section 3, and should be reviewed by Civil Service Protection and Training Commission or filed to a higher authority, the complainant shall be informed about the review or appeal procedure.

Article 18. A grievance filed without reason provided shall be rejected.

Article 19. A grievance filed with provided reason shall be appraised and remedy methods shall be specified in the main body of the appraisal letter.

Article 20. The appraisal letter is issued in the name of the University and should include the following items:

1. Complainant's full name, birth date, ID number, unit of employment and job title, address.
2. Name of the responsible unit issuing a particular measure, disposal or review.
3. Main body of the text including facts and reasons; if the grievance case was rejected, the reason for such decision should be stipulated.
4. Committee Chairperson's signature.
5. Date of issue of the appraisal decision.

Article 21. The appraisal letter shall be delivered to the complainant and related persons via traceable means.

Article 22. Within 60 days from the next day of the receipt of the appraisal letter, the responsible unit shall proceed in accordance with the appraisal decision and report to the Committee.

If the responsible unit considers the appraisal decision mentioned in the previous Item difficult to execute, it shall indicate the specific reason for it within 30 days counting from the next day from the delivery of the appraisal letter, and, according to the administrative proceedings, after having obtained the signature of the President, send it to the Committee for review.

If the Committee supports its original appraisal decision, the responsible unit is obliged to enact it.

Article 23. These Guidelines were approved by the Administration Meeting and implemented upon the approval by the President.

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