National Changhua University of Education Teacher Appeal Review Committee Organization and Evaluation Guideline

**Chapter 1: General Provisions**

1. To protect the rights and interests of teachers, promote harmony and unity on campus, and enhance the educational functions of the institution, National Changhua University of Education (hereinafter referred to as "the University") establishes the Teacher Appeal Review Committee (hereinafter referred to as "the Committee"). This is done in accordance with the Teachers' Act, the Ministry of Education's "Organization and Review Guidelines for Teacher Appeal Review Committees," and the University's organizational regulations.

**Chapter 2: Organization**

1. The Committee shall consist of 13 to 15 members, composed of the following personnel:

(1) Nine to ten representatives from the University’s teaching staff:

These representatives are elected from among the faculty of each college (or center) of the University, excluding those holding administrative positions or serving on the University’s Teacher Evaluation Committee. The number of representatives is proportional to the number of faculty members in each college, with at least one-third of the elected representatives being of either gender. Two or more colleges may jointly elect representatives.

(2) One representative from a local teachers' organization.

(3) One scholar or expert, nominated by the University President.

(4) One socially just individual, nominated by the University President.

(5) One representative from the school, not limited to teachers, nominated by the University President.

(6) Depending on the nature of the appeal case, the Committee may request the University President to temporarily appoint relevant experts as members, whose term will be limited to the duration of the appeal case.

The number of non-administrative teaching staff representatives mentioned in Item 1 of the previous paragraph shall be no less than two-thirds of the total number of Committee members.

Committee members serve on an unpaid basis and are appointed by the University President after being elected or nominated. Their term of office is one year (from November 1 to October 31 of the following year) and they may be reappointed. In case of a vacancy, the succeeding member’s term will last until the end of the original term.

The Committee's expenses are covered by the University’s budget, and necessary staff are allocated by the University. Non-university teacher members may receive attendance fees.

### 3. The chairperson of the Committee shall be elected by the members and shall preside over meetings. The term of office is one year, and re-election is permitted.

When the chairperson is unable to preside over a meeting, they shall designate a member to act as the chairperson. If no designation is made, the members shall elect an acting chairperson from among themselves.

### 4. Meetings of the Committee shall be convened by the University President or a designated representative.

If a written request is made by more than half of the Committee members, the convener must convene a meeting within twenty days.

### Chapter 3: Filing an Appeal

### 5. Full-time teachers of the University who believe that a measure concerning them is illegal or inappropriate and thus harms their rights may file an appeal or a re-appeal.

Teachers may also file an appeal or a re-appeal if the University fails to act within the legal period on a case they have applied for according to law, thereby harming their rights. If no period for action is specified by law, the period shall be two months from the date the University receives the application.

### 6. An appeal must be filed in writing within thirty days from the day following the receipt or knowledge of the measure.

The date of receipt of the appeal by the Committee shall be regarded as the date of filing. If the appellant misses the appeal period due to natural disasters or other reasons not attributable to themselves, they may, within ten days after the cause ceases to exist, submit a written explanation and apply for reinstatement. However, if the missed appeal period exceeds one year, reinstatement is not allowed. When applying for reinstatement, the appellant must simultaneously perform the appeal actions that should have been done within the period.

### 7. An appeal must be accompanied by a written appeal document, containing the following information, signed or stamped by the appellant or their agent, and attached with the original measure documents, relevant documents, and evidence:

(1) The appellant's name, date of birth, identification document number, service unit and job title, residence, and telephone number.

(2) If there is an agent or representative, their name, date of birth, identification document number, residence, and telephone number.

(3) The unit that made the original measure.

(4) The date of receipt or knowledge of the measure, and the facts and reasons for the appeal.

(5) The specific remedy sought.

(6) The date of filing the appeal.

(7) Whether the appellant has filed any petitions or lawsuits regarding this appeal.

For appeals filed under the second paragraph of Article 5, the items in subparagraphs 3 and 4 above shall be respectively the unit that should take action and the date, month, and year of the application to that unit, along with the legal basis, and an attached copy of the original application and proof of receipt.

### 8. If an appeal is filed without following the legal procedures but can be corrected, the appellant shall be notified to make corrections within twenty days.

### Chapter 4: Appeal Review

### 9. The Committee shall, within ten days from the day following the receipt of the appeal, notify the unit that made the original measure to provide an explanation in writing, attaching a copy of the appeal and related documents.

The unit that made the original measure shall submit an explanation and related documents to the Committee within twenty days from the day following the receipt of the written request and shall send a copy of the explanation to the appellant.

If the unit believes the appeal is justified, it may revoke or change the original measure and inform the Committee in writing. If the unit does not provide an explanation within the specified period, the Committee shall issue a reminder.

If the explanation is insufficient, the Committee may set a deadline for a more detailed explanation. If no explanation is provided or if it is still insufficient, the Committee may proceed with the review. The period mentioned in the first paragraph starts from the day following the correction, as per Article 8, or from the expiration of the correction period if no correction is made.

### 10. An appellant may withdraw their appeal before the review decision is delivered.

### If an appeal is withdrawn, the Committee does not need to make a decision and shall terminate the process immediately, notifying the appellant and the unit that made the original measure.

After withdrawal, the appellant cannot file another appeal on the same grounds.

### 11. If the review decision on an appeal case is based on whether the legal relationships under the Administrative Appeal Act, litigation, or Labor-Management Dispute Act are established, the Committee may suspend the review of the appeal case until the administrative appeal, litigation, or labor-management dispute procedures are concluded, notifying the appellant in writing. After the cause for suspension ceases, the Committee shall continue the review upon notification by the appellant, the unit that made the original measure, or upon the Committee’s knowledge.

If a teacher files an administrative appeal according to the Administrative Appeal Act and then files an appeal, the Committee shall suspend the review, notifying the appellant in writing. After the cause for suspension ceases, the Committee shall continue the review upon notification by the appellant, the unit that made the original measure, or the competent authority, or upon the Committee’s knowledge.

### 12. When the Committee resumes the review according to Article 11, it shall notify the appellant in writing.

### 13. The Committee shall review the appeal based on written materials and generally hold meetings privately. However, the Committee may, by resolution, invite the appellant, related persons, scholars, experts, or personnel designated by relevant authorities to provide explanations.

If the appellant applies to present at the Committee review meeting and has legitimate reasons, the Committee may set a time and place, notifying the appellant or allowing the appellant and their assistant to present their opinions.

If on-site investigation is necessary for the appeal case, the Committee may, by resolution, delegate three to five members to conduct the investigation.

### 14. Committee members who have a conflict of interest with the appeal case shall recuse themselves and not participate in the review.

If there are specific facts suggesting a Committee member may be biased regarding the appeal case, the appellant may apply for the member’s recusal, providing the reasons and facts. The application shall be decided by the Committee.

If a Committee member, under the circumstances mentioned in the first paragraph, does not recuse themselves and no recusal application is made by the parties involved, the Committee shall order the member to recuse themselves by its authority.

During the review process, Committee members shall not have outside contact with the parties involved, their representatives, or interested parties, unless decided by a Committee resolution.

### Chapter 5: Review Decisions

### 15. The Committee shall make a decision within three months from the day following the receipt of the appeal, except when the review is suspended in accordance with Article 11. If necessary, the period may be extended once for up to two months, and the appellant shall be notified of the extension.

The period mentioned in the previous paragraph, if corrections are made in accordance with Article 8, shall start from the day following the correction; if no correction is made, it shall start from the expiration of the correction period. If the review is suspended in accordance with Article 11, the period shall restart from the day the review continues. If reasons are supplemented during the review decision period, the period shall start from the day following the receipt of the last supplemented reason.

### 16. An appeal shall be dismissed with reasons if any of the following circumstances exist:

(1) The appeal document does not follow the legal procedures and cannot be corrected, or it has not been corrected within the specified period after notification.

(2) The appeal is filed beyond the period specified in Article 6.

(3) The appellant is not qualified.

(4) The original measure no longer exists or there is no remedial benefit in accordance with the appeal.

(5) In an appeal filed under the second paragraph of Article 5, the unit that should take action has already done so.

(6) The same appeal case has already been decided or withdrawn and is being filed again for the same reason.

(7) Other matters not within the scope of teacher appeal relief as stipulated by law.

### 17. Before reviewing an appeal case, the Committee shall draft handling opinions along with case documents for review.

If necessary, the Committee may delegate three members to review. The members, after thoroughly examining the case documents, analyzing the facts, and applicable laws, shall present their review opinions to the Committee.

### 18. If an appeal case does not fall under any of the circumstances listed in Article 16, the Committee, during the review, shall consider the course of the appeal case, the damage suffered by the appellant and the remedy sought, the reasons of both parties, the impact on public interest, and other relevant circumstances to make a decision.

### 19. If the appeal is without merit, the Committee shall dismiss it.

If the reasons behind the original measure are improper but the measure is justified for other reasons, the appeal shall be considered without merit.

### 20. If the appeal is justified, the Committee shall make a decision to that effect and specify remedial measures in the decision text.

The decision to revoke the original measure and return it to the unit for a new measure shall specify a reasonable period for the action.

For appeals filed under the second paragraph of Article 5, if the Committee finds the appeal justified, it shall specify a reasonable period for the unit to take the necessary action.

### 21. For Committee meetings, members must attend in person. A quorum of more than half of the total number of members is required to convene a meeting; review decisions require the agreement of more than two-thirds of the attending members; other resolutions require the agreement of more than half of the attending members.

For the review decision, members who should recuse themselves due to conflicts of interest are not counted in the number of attending members. When reviewing teacher promotion appeal cases, at least three members of a higher rank than the appealing teacher (excluding the teacher's rank) shall form a special task group to study the case before bringing it to the Committee for review.

### 22. The Committee's review decisions shall be made by anonymous vote. The review process and individual member opinions must be kept confidential.

The voting results must be recorded in the meeting minutes; the ballots shall be sealed on the spot, signed by the meeting chair and a vote-monitoring member elected by the Committee, and properly preserved by the Committee.

### 23. For each reviewed case, designated personnel shall prepare review records and attach them to the case file. If a member's opinion differs from the review decision, it shall be included in the record upon request.

### 24. The review decision document shall include the following:

(1) The appellant's name, date of birth, identification document number, service unit and job title, residence, and telephone number.

(2) If there is an agent or representative, their name, date of birth, identification document number, residence, and telephone number.

(3) The unit that made the original measure.

(4) The review decision.

(5) The facts and reasons. If it is a dismissal decision, facts need not be recorded.

(6) The signature of the Committee chair.

(7) The date of the review decision.

The review decision document shall note that if the appellant is dissatisfied with the decision, they may file a re-appeal to the Central Appeals Committee of the Ministry of Education within thirty days from the day following the delivery of the review decision.

### 25. The review decision document shall be issued in the name of the university, and the original document shall be delivered to the appellant, the unit that made the original measure, the Ministry of Education, and relevant authorities via registered mail with a receipt certificate.

If the appeal case has a representative or agent, the decision document shall be delivered to the representative or agent, unless their authority to receive it is restricted. If there are multiple representatives or agents, delivery to one of them is sufficient.

### 26. A review decision becomes final under the following circumstances:

(1) If neither the appellant nor the unit that made the original measure files a re-appeal within thirty days from the day following the delivery of the review decision document.

(2) If the re-appeal decision document is delivered to the re-appellant.

### 27. The university shall implement the remedial measures suggested in the review decision; once a review decision becomes final, it shall be enforced.

### Chapter 6: Supplementary Provisions

### 28. Matters not covered in these regulations shall be handled in accordance with the Ministry of Education's "Organizational Regulations and Review Standards for Teacher Appeals Committees," the Teacher Law, and related regulations.

### 29. These regulations shall be implemented after being approved by the University Affairs Meeting and ratified by the president. The same applies to amendments.