

NTUB Guidelines for the Establishment of Personnel Appeal and Appraisal Committee and Processing Procedure

Approved the change of the school's name by the 2nd University Affairs Meeting of the 2nd Semester of Academic Year 2013 on June 5, 2014

Reviewed and approved by the 2nd University Affairs Meeting of the 2nd Semester of Academic Year 2015 on June 23, 2016

Article 1 These Regulations are enacted pursuant to Article 47 of the National Taipei University of Business Charter.

Article 2 To safeguard the rights and interests of faculty and staff, resolve disputes, promote campus harmony, and enhance administrative efficiency, National Taipei University of Business (hereinafter referred to as "the University") establishes the Faculty and Staff Appeals Review Committee (hereinafter referred to as "the Committee").

Article 3 The matters to be reviewed by the Committee are as follows:

1. Appeals filed by faculty or staff members who consider the University's administrative measures or dispositions concerning working conditions to be inappropriate and detrimental to their rights and interests.
2. Appeals filed by former faculty or staff members who, upon receiving administrative measures or dispositions from the University, consider such actions to be inappropriate and detrimental to their rights and interests.

Faculty, staff, or former faculty and staff members who intend to file an appeal shall do so within thirty (30) days from the date following the delivery of the administrative measure or disposition referred to in the preceding paragraph.

For matters under the preceding paragraph that may be pursued through statutory appeal or litigation procedures, the appellant may initiate such procedures within the prescribed statutory period, without being affected by the filing of an appeal with the University.

Article 4 The Committee shall consist of eleven (11) members, appointed or elected as follows:

1. Four appointed members, to be selected and appointed by the President from impartial members of society and legal professionals.
2. Four representatives of staff members, who shall be non-supervisory staff elected by the staff through mutual election; four alternate members may be appointed.
3. Two representatives of contract employees, elected by contract employees through mutual election; two alternate members may be appointed.
4. One representative of campus security personnel and custodial workers, elected by such personnel through mutual election; one alternate member may be appointed.

Members elected under Subparagraphs 2 and 3 above who are currently serving as members of the University's Staff Screening Committee, Performance Evaluation Committee, or Contract Employees Review Committee shall not concurrently serve as members of this Committee.

Members elected under Subparagraphs 3 and 4 above shall have no voting rights with respect to appeals concerning staff personnel matters. Election affairs for the representatives under Subparagraphs 2 and 3 shall be administered by the Personnel Office. Election affairs for the representative under Subparagraph 4 shall be administered by the General Affairs Division.

Members of the Committee shall demonstrate gender-equality awareness, and either gender shall account for not less than one-third of the total membership.

Article 5 The members of the Committee shall serve without remuneration. The term of office shall be two (2) years and may be renewed.

Where a member is unable to continue in office for any reason, the vacancy shall be filled by the succeeding member, whose term shall extend until the expiration of the original member's term.

Article 6 The Chairperson of the Committee shall be elected from among the members, and shall serve a term of two (2) years.

Where the Chairperson is unable to preside over a meeting for any reason, one of the attending members shall be elected by the members present to act as Chairperson for that meeting.

Article 7 Meetings of the Committee shall be convened with the attendance of more than one half of its members. Resolutions shall be adopted with the consent of at least two-thirds of the attending members. Members who hold dissenting opinions may submit a written statement of dissent.

Article 8 Prior to the commencement of the review of a case, the appellant may state the facts and reasons and request the recusal of any member having an interest in the appeal; such a request shall be decided by a resolution of the Committee.

Any member who has an interest in an appeal shall voluntarily recuse themselves. Where a member fails to recuse themselves voluntarily, the Chairperson may, upon resolution of the Committee, request that such member be recused.

Article 9 The necessary expenses of the Committee shall be covered by the University's relevant budget allocations. Appointed members shall receive attendance fees in accordance with regulations when attending meetings. Members and staff of the University who perform satisfactorily may be duly commended upon completion of their term of service.

The staff referred to in the preceding paragraph shall be concurrently

assigned by the Personnel Office.

Article 10 An appeal shall be submitted to the Committee in writing. The written appeal shall state the appellant's name, date of birth, affiliated unit and position, domicile or residence, the facts and reasons for the appeal, the remedy sought, and the date of submission. Relevant documents and evidence shall be attached.

Where the written appeal does not conform to the provisions of the preceding paragraph, the Committee may, depending on the circumstances, notify the appellant to make corrections within twenty (20) days. If the appellant fails to make corrections within the prescribed period, the Committee may proceed with the review. Where multiple appellants file a joint appeal, no more than three representatives shall be designated, and a letter of authorization for the representatives shall be attached.

Article 11 Upon receipt of an appeal and the supporting materials, the Committee shall forward copies of the appeal and relevant documents to the unit responsible for the original administrative measure or disposition, and request that such unit provide an explanation.

The unit responsible for the original administrative measure or disposition shall, within ten (10) days from the date following the delivery of the documents referred to in the preceding paragraph, submit a written explanation together with relevant documents to the Committee. However, where the said unit deems the appeal to be justified, it may revoke or modify the original measure or disposition on its own initiative and notify the Committee in writing.

If the said unit fails to provide an explanation within the prescribed period, the Committee may proceed directly with the review.

The period referred to in the second paragraph shall be calculated from the date following the submission of corrections pursuant to Article 10; if no corrections are made, the period shall be calculated from the date following the expiration of the correction period.

Article 12 The Committee shall conduct its review based on written materials, and meetings shall not be held publicly. Where necessary, the Committee may notify the appellant, the unit responsible for the original administrative measure or disposition, and interested parties to attend and provide explanations, and may also form a task force to conduct confidential investigations.

Article 13 Upon receipt of an appeal, unless circumstances arise warranting non-acceptance or suspension of the review, in which case the appellant and the unit responsible for the original administrative measure or disposition shall be notified directly, the Committee shall render a decision within thirty (30) days. Where necessary, the period may be extended for an additional twenty (20) days, and the

appellant shall be notified accordingly. Once the written decision on the review has been completed, it shall be served upon both the appellant and the unit responsible for the original administrative measure or disposition.

Where corrections are made pursuant to Article 10, the period specified in the first paragraph shall be calculated from the date following the submission of corrections. If no corrections are made, the period shall be calculated from the date following the expiration of the correction period.

The written reply or decision of review shall specify the channels for further remedies, according to the category of personnel, as follows:

- (1) Staff members: Where dissatisfied with the decision of review under Paragraph 1, an additional appeal may be filed with the Civil Service Protection and Training Commission within thirty (30) days from the date following the service of the written decision.
- (2) Campus security police officers: Where dissatisfied with the decision of review under Paragraph 1, an administrative appeal may be filed in accordance with the provisions of the Administrative Appeal Act within thirty (30) days from the date following the service of the written decision.
- (3) Contract employees, technicians, and custodial workers: Where dissatisfied with the decision of review under Paragraph 1, a labor dispute case may be filed directly with the Taipei City Government Department of Labor.

Article 14 An appeal shall not be accepted under any of the following circumstances:

1. Where the appeal petition does not comply with statutory procedures and cannot be corrected, or where corrections are not made within the prescribed period after notification.
2. Where the appeal is filed beyond the statutory period, or where the supplementary submission of the appeal petition is not made within the period specified in Article 10, Paragraph 2.
3. Where the appellant lacks capacity to appeal and the statutory representative fails to act on behalf of the appellant, and corrections are not made within the prescribed period after notification.
4. Where the appellant lacks standing.
5. Where the original administrative measure or disposition concerning working conditions no longer exists.
6. Where an appeal is filed again concerning a matter that has already been decided or withdrawn.
7. Where the appeal concerns matters not within the scope of appeal remedies.

For appeals filed beyond the statutory period, where special circumstances exist in which refusal to provide relief would be manifestly unfair, the Committee may still recommend remedial measures.

Article 15 An appellant may withdraw an appeal prior to the delivery of the Committee's written decision. Once an appeal has been withdrawn, no new appeal may be filed based on the same facts and grounds.

Article 16 Where the review of an appeal depends on the existence of another legal relationship, and such relationship is pending in litigation or administrative remedy proceedings, the Committee may suspend its review until the legal relationship is finalized, and shall notify the appellant accordingly.

After the legal relationship referred to in the preceding paragraph has been finalized, the Committee may, on its own initiative or upon written request of the appellant, proceed directly with the review.

Article 17 Upon completion of the review, the Committee shall respond in writing with detailed reasons regarding the matters requested, or issue a written decision of review.

The written decision referred to in the preceding paragraph shall bear the signatures of the Chairperson and the attendant members. Individual opinions of members shall be kept strictly confidential. Where privacy matters are involved, the personal information of the appellant shall be kept confidential.

Article 18 The written decision of review shall specify the main text, facts, and reasons. For cases where the appeal is not accepted, the facts may be omitted. Where remedial or negotiated measures are involved, concrete recommendations shall be provided.

Article 19 The written decision of review shall be submitted to the President for approval and, in the name of the University, shall be forwarded to the appellant and the unit responsible for the original administrative measure or disposition.

Article 20 Where the remedial measures recommended in the Committee's written decision of review are considered by the unit responsible for the original administrative measure or disposition to be contrary to law or impracticable, such unit shall state specific reasons and report the matter to the President through administrative procedures, with a copy submitted to the Committee for its information.

Article 21 Matters not provided for in these Regulations shall be handled in accordance with the relevant laws and regulations.

Article 22 These Regulations shall be implemented upon approval by the President after submission to the University Council through the Administrative Council. The same procedure shall apply to any amendments.