

# **YZU Regulations for the Organization and Arbitration of the Faculty Plea and Arbitration Committee**

Passed by the 2<sup>nd</sup> School Council Meeting of the 1991 School Year, June 22, 1992

Amended by the 1<sup>st</sup> School Council Meeting of the 1996 School Year, November 25, 1996

Ratified by letter No.85111697 of the Department of Deliberation of the Ministry of Education, December 31, 1996

Amended by the 2<sup>nd</sup> School Council Meeting of the 1996 School Year, January 15, 1997

Ratified by letter No.86018249 of the Department of Deliberation of the Ministry of Education, February 24, 1997

Amended by the 2<sup>nd</sup> School Council Meeting of the 2005 School Year, June 5, 2006

## **Chapter 1 General Provisions**

Article 1 The Faculty Plea and Arbitration Committee (hereafter, “the committee”) is established pursuant to Article 22 of University Acts, and Article 11 of the Organization Regulations of Yuan-Ze University to attend to arbitrations of faculty plea cases in the school.

## **Chapter 2 Organization**

Article 2 The committee is consisted of fifteen to twenty-one members who are non-salary posts (committee members who are from outside University may be provided with transportation fees). President shall appoint faculties, administrative delegates of University, educational scholars, delegates from a Taoyuan area faculty organization or sub-union and notable public figures to be the committee members. Faculty members not holding administrative posts may not be less than two-thirds of the total. Committee members of each gender shall be over than one-third of the total and shall be elected from faculties among all the colleges. The committee may appoint one to two temporary experts to be the members regarding the nature of the plea case.

Article 3 The term of office of the committee member is two years and terms are renewed upon re-election. If a member vacates his or her position, the successor will hold the term of office until its conclusion. The term of office for temporary members is limited to the period of the plea’s duration.

Article 4 The chairman of the committee will be elected from among the members and has a term of office of one year, and may renew the term of office if re-elected. President may not serve as chairman. If the chairman fails to chair meetings due to specific reasons, the chairman shall appoint one member as the deputy.

Article 5 Meetings of the committee will be summoned by President or the staff appointed. If the convener can’t summon a meeting due to specific reasons, with a written request of over

half of the committee members summoned by President, the convener shall summon the meeting within twenty days.

### **Chapter 3 Jurisdiction**

Article 6 Full-time faculties may propose a plea regarding measures of University which are considered illegal or inappropriate, which will cause harm to faculty rights and interests, and which the solving methods of different levels of University can't satisfy faculties. Those faculties who are unsatisfied with the committee decision may repeat their pleas to the Department of Deliberation of the Ministry of Education.

### **Chapter 4 Proposing the Plea**

Article 7 The written proposal of the plea shall be completed within thirty days, beginning from the second day after the illegal or inappropriate measure has been done and ascertained. Repeated pleas shall be completed in written form within thirty days of the arrival of the arbitration letter.

Article 8 The plea letter must enclose a plea signed by the pleader, and include the original documentation of the measure, applicable documents and proof as follows:

1. The pleader's name, date of birth, identity card number, unit in which office is held (in the school), name of office, address and phone number.
2. Name, date of birth, identity card number, address and phone number of the deputy or representative, if there is one.
3. Unit (of the school) or organization of the original measure.
4. Date of the measure that has been done and ascertained, fact and reason for pleading.
5. Expected remedies.
6. Year, month and date of plea proposal.
7. University or organization receiving and attending to the plea.
8. Clear statement of any petitions or lawsuits regarding this plea case.

When proposing a repeated plea, the original plea letter and the original arbitration decision letter shall be enclosed together with the date and way of receiving them.

Article 9 For plea proposals not conforming to the regulations in the previous article, the committee will notify the pleader to rectify the incomplete plea proposal within twenty days. For those who do not rectify it in time, the committee will arbitrate directly.

### **Chapter 5 Plea and Arbitration**

Article 10 Pleas proposed to the committee: the committee shall photocopy the plea letter and

applicable documents and forward these with the written request to applicable organizations of the original measure for explanations within ten days of receiving the plea letter, starting from the day after the plea proposal is received.

Organizations of the original measure shall draw up an explanation letter along with applicable documents to deliver to the committee and also copy the explanation letter to deliver to the pleader within twenty days of receiving the written request, starting from the day after the written request is received. However, should the organization of the original measure feel the plea to be reasonable, it may cancel or change the original measure at its own accord, and notify the committee by a letter.

If organizations of the original measure fail to provide explanations within the time limit, the committee may proceed with arbitration. For those who rectify according to the previous article, the period in the first item starts from the second day of the rectification. For those who do not make up, the period will start from the second day of the expiration of the rectification.

Article 11 If members of the committee have conflict of interests of the plea case, the members shall not take part in the arbitration.

If there is concrete reason to believe that members in the committee are suspected of being partial, the pleader may present the reasons and facts, and apply to the committee to ask the members to be refused of involvement.

The committee will decide on the application of the previous point.

The committee members shall not make unnecessary contact with the persons concerned, interest parties or the stakeholders without getting the permission from the committee.

Article 12 After proposing pleas and before the decision letter is delivered to the pleader; the pleader may withdraw the plea. If a plea is withdrawn, the committee shall end the case without arbitration, and notify the pleader and the organization of the original measure.

After the pleader withdraws a plea, another plea may not be proposed regarding the same reason and fact.

Article 13 Apart from the cases discontinued because of proposing a plea simultaneously or sequentially proposing a petition, administrative lawsuit, civil or criminal lawsuit, arbitration decisions of the committee shall be implemented within three months upon receiving the plea letter. Extensions may be granted when necessary, and the pleader notified. An extension can only be provided once, and can be no longer than two months.

Article 14 Prior to performing arbitration on plea cases, the committee may send three to five committee members to examine the facts if necessary. After the members have carefully read the documents and proofs, studied and analyzed the facts and applicable regulations

and law, they should propose investigation comments to this committee.

Article 15 The committee may decide to turn down a plea that fails to provide sufficient reasons. If a plea provides sufficient reasons, the committee shall state its decision of finding it with reasons, and the remedies, in the main body of the decision paper.

Article 16 When the committee holds meetings, the committee members shall attend the meetings in person. Arbitration may not start without at least half of the committee members attending. The decision of the arbitration letter shall be made with the consent of two-thirds of present members. Arbitration of other affairs may be performed with the consent of over half of present members.

During the arbitration decision, committee members who do not attend the meeting because of being refused of involvement will not be listed among the members attending the meeting.

Article 17 Arbitration decisions of the committee are made by secret ballot and the members attending the meeting shall keep the process of the arbitration and the opinions of individual member secret.

The voting results of the previous point shall be recorded in the minutes of that meeting. The ballot papers shall be sealed on the spur of the moment and signed by the committee chairman and the scrutineer who is elected by members. The committee shall keep these ballot papers in a safe place.

Article 18 Arbitration decisions meeting one of the following conditions are considered closed:

1. Pleader or the school of the original measure did not propose a repeat plea within thirty days of receiving the arbitration letter, starting from the day after the letter was received.
2. Arbitration letter of the repeated plea was delivered to and received by the repeating pleader.

## **Chapter 6 Bylaw**

Article 19 Other relevant matters shall be processed in accordance with the regulations of the organization and arbitration of the faculty plea and arbitration committee issued by the Ministry of Education.

Article 20 Prior to promulgation and enforcement, these regulations have been passed by School Council Meeting, the same for amendment.

**If any controversies or disputes occurred regarding clauses of the contract, it shall always refer to its Chinese version.**