

National Taiwan Ocean University
Regulations for Appeals Concerning Status Determination of
Student Awardees and Part-time Assistants

Approved by the Administrative Meeting on October 8, 2015 for establishment
Promulgated by Order no. Hai-Xue-Sheng No. 1040020434 on October 27, 2015
Amendments approved by the Administrative Meeting on July 18, 2017
Promulgated by Order no. Hai-Xue-Sheng No. 1070000765 on January 18, 2018
Amendments approved by the 1st Administrative Meeting of the 2nd semester of AY 2018 on March 7, 2019
Promulgated by Order no. Hai-Xue-Sheng No. 1080005040 on March 20, 2019

- I. These Regulations are established pursuant to the Ministry of Education's Guidelines for Protecting the Rights and Interests of Student Awardees at Junior Colleges and Above, the Ministry of Labor's Guidelines for Protecting Labor Rights and Interests of Part-time Assistants at Junior Colleges and Above, and the University's Key Points for Handling the Protection of Rights and Interests of Student Awardees and Part-time Assistants.
- II. For the handling of appeals regarding disputes over status determination of the University's "Student Awardees" and "Part-time Assistants," these Regulations are hereby formulated, and the University's Appeals Committee for Status Determination of Student Awardees and Part-time Assistants (hereinafter referred to as the "Status Determination Committee") is established.

The "Student Awardees" referred to in the preceding paragraph include Research Student Awardees and Student Awardees with Service Obligations.

"Part-time Assistants" refers to students employed by the University, and faculty/staff members who are employed by the University or authorized to handle labor affairs on behalf of the University, who, under direction and supervision, perform work assisting University administration and receive remuneration therefor.

- III. Functions of the Status Determination Committee: To handle disputes concerning the status determination of "Student Awardees" and "Part-time Assistants." Where a party considers that relevant measures or dispositions are unlawful or improper and thereby damage their rights or interests: Part-time Assistants shall file an appeal with the respective competent unit(s); Student Awardees may, within fifteen (15) days from the day following the issuance of such measure or disposition, submit a written appeal stating specific facts and enclosing relevant supporting materials to the Student Appeals Review Committee for processing. Before a student files an appeal, the student's affiliated department/institute (college), the project implementing unit, or other competent learning-supervising unit shall first coordinate and handle the matter and provide a written explanation.

- IV. Organization of the Status Determination Committee:

- (1) The Status Determination Committee shall consist of nine (9) to eleven (11) members. The ex officio members shall comprise the Secretary-General, the Dean of Academic Affairs, the Dean of Research and Development, the Dean of Student Affairs, the Director of the Personnel Office, a legal expert or scholar, and a representative of the Student Association. The legal expert/scholar shall be appointed by the President. The selected members shall include one faculty representative from the appellant student's affiliated college and one student representative. Committee members shall serve a one-academic-year term of one (1) year, and may be reappointed for consecutive terms.
- (2) The Committee shall have one (1) Chairperson, who shall be the Secretary-General, and who shall be responsible for convening and presiding over meetings.
- (3) The Committee shall have one (1) Executive Secretary and one (1) Assistant Secretary, responsible for document handling of appeal cases and related administrative operations. These positions shall be

concurrently held by the Section Chief of the Life Guidance Services Section, Office of Student Affairs, and one staff member of the same section, respectively.

V. Appeal Handling Procedures

- (1) Where there is a dispute between the University's project principal investigator, faculty member, head of another unit, or a "Student Awardee"/"Part-time Assistant" regarding the determination of the relationship between the parties, an appeal may be filed with the Status Determination Committee by submitting an appeal application form within ten (10) days from the day following the signing of the document confirming the relationship between the parties. Each appeal case may be filed only once.
- (2) Upon receipt of an appeal case, the Status Determination Committee may request the original unit that made the disposition or the relevant competent unit(s) to submit a written response.
- (3) For cases with insufficient evidence or that do not meet the requirements for filing an appeal, the Committee may, after the matter has been deliberated and approved by resolution of the Status Determination Committee, prepare an official written reply to the appellant with an explanation and recommend an appropriate course of handling.
- (4) The Status Determination Committee's deliberations shall, in principle, be closed to the public; however, the Committee may notify the appellant, representatives of relevant units, and other related persons to attend the meeting to provide explanations.
- (5) Any Committee member who has a direct interest in or direct involvement with an appeal case shall recuse themselves. Alternatively, the Status Determination Committee may, by resolution, request such member(s) to recuse themselves.

VI. The Status Determination Committee shall convene meetings on an as-needed basis. Meetings shall be convened by the Chairperson, who shall also preside as the chair of the meeting. A meeting may be held only when at least one-half (1/2) of the members (inclusive) are in attendance. Matters may be deliberated only with the consent of at least one-half (1/2) of the members present (inclusive); however, the deliberation result shall be adopted only upon the consent of at least one-half (1/2) of the members present (inclusive).

VII. Decisions of Deliberation

- (1) The Status Determination Committee shall convene a meeting within thirty (30) days from the day following receipt of an appeal case. Unless the case is not accepted for review or the deliberation is suspended, the Committee shall produce a deliberation result report within two (2) months from the day following receipt of the appeal case. Where necessary, the period may be extended and the parties concerned shall be notified. Such extension shall be limited to one (1) time, and shall not exceed one (1) month at most.
- (2) Within fifteen (15) days after completing the deliberation result, the Status Determination Committee shall notify the parties concerned and the project principal investigator (faculty member/unit) in writing. After the deliberation decision has completed the required administrative procedures, it shall be implemented without delay.
- (3) The written deliberation decision shall include the disposition (ruling), facts, and reasons. For appeal cases not accepted for review, a written decision shall also be issued; however, its content shall list only the disposition and reasons. In addition, the following statement shall be included at the end of the written decision: "If

you disagree with this appeal decision, you may, in accordance with law, apply to the competent labor authority for mediation, arbitration, or adjudication, or alternatively submit the matter for coordination through the inter-ministerial platform established by the Ministry of Education in conjunction with relevant ministries.”

VIII. These Regulations shall take effect upon approval by the University Administrative Meeting and promulgation.