

# 建國科技大學專任教師權利義務及停聘或不續聘規定

## Chienkuo Technology University

### Rights & Responsibilities of Full-time Faculty

## Regulations Governing Termination or Non-renewal of Appointment

Drafted on September 7, 2006

Approved by the University Affairs Committee on November 8, 2006

### **I. Basis of Regulation**

- A. This document is composed in accordance with Article 1 of the Teachers' Act: In order to elevate teachers' professional status, the law is hereby enacted to specify their rights and obligations and to safeguard their career and livelihood.
- B. This document is composed in accordance with Article 19 of the University Act: In addition to following the stipulations in the Teacher Act, universities may also add rights and obligations of teachers in the academic rules and formulate separate stipulations for the suspension or refusal of reengagement of teachers upon requirements of academic research and development, which shall be implemented and provided in the contracts after being approved by the academic affairs meeting.

### **II. The Legal Relationship between the Faculty Member and the University, and the Faculty Member's Rights, Responsibilities and Personal Integrity**

- A. The legal relationship between faculty members and the University is a private contractual one. This kind of relationship is a standard contractual relationship where no special powers apply. Disputes between faculty members and the University are to be reviewed by the appropriate legal entity.

## B. Rights of the Faculty Member

According to Article 16 of the Teachers' Act, after the faculty member accepts employment, s/he can enjoy the following rights in accordance with the relevant laws and school regulations:

1. Bringing up constructive opinions on teaching and administration of the school.
2. Enjoying the rights and protections in terms of payment, fringe benefits, retirement, consolation, severance, and insurance.
3. Participation in in-service education, research, and academic exchanges.
4. Joining teachers' organizations, and attend other activities held in accordance with the regulations.
5. Appeal in accordance with the law when the measures taken by the authorized educational authorities or schools against the faculty member are considered by him/her to be illegal or inappropriate and have damaged his/her interests.
6. Enjoying professional autonomy in teaching and student counseling in accordance with law and school rules and regulations.
7. Refusing to take part in work or activities assigned by the authorized educational authorities or the school if the work or activities are irrelevant to teaching, unless otherwise specified according to regulations.
8. Enjoying other legitimate rights in accordance with this or other regulations.

## C. Responsibilities of Faculty Members

According to Article 17 of the Teachers' Act, other than fulfilling their employment responsibilities in accordance with law, teachers have the following obligations:

1. Abiding by the regulations specified in the letter of appointment and maintains school honor.
2. Actively maintaining students' rights to education.
3. Implementing teaching activities in accordance with relevant regulations and the courses arranged by the school.
4. Guiding and disciplines students to grow adaptively and develop sound personalities.
5. Conducting research and studies related to teaching.
6. Taking full responsibilities of the position and exalts a teacher's dignity and profession out of clear conscience.

7. Attending academic and administrative activities of the school, as well as social education activities in accordance with relevant regulations.
8. Shall not disclose personal or family information of students unless otherwise specified by law.
9. Taking the role of a class advisor.
10. Fulfilling other obligations in accordance with this or other regulations.

#### D. Faculty Member's Personal Integrity

According to Article 14 of the Teachers' Act, after employed, the faculty member may not be dismissed, suspended, or denied a renewed employment unless involved in one of the following situations:

1. Being sentenced to a prison term for more than one year without probation.
2. Being convicted of corruption and malfeasance, or is issued a warrant of arrest, the case of which not settled yet during the term of civil service.
3. Being dismissed from the employment in accordance with the law, or undergoing the disciplinary action of suspension from employment with the penalty not yet terminated, or being suspended from employment due to the indictment with the case not yet cleared.
4. Being deprived of civil rights with the rights thereof not yet been reinstated.
5. Being issued an interdiction, with the interdiction thereof not yet been revoked.
6. Being verified by the authorities concerned to have behaved inappropriately and therefore impaired the teacher's morals and dignity.
7. Being proved to have a mental disorder by a qualified physician.
8. Failing to fulfill a teacher's duties or being incompetent in teaching with concrete facts or severe violation of the employment contract stated in the letter of appointment.

#### E. Criteria for Determination

The Department of Personnel of the Ministry of Education has proposed the following criteria for evaluating situations when a faculty member is considered "failing to fulfill a teacher's duties or being incompetent in teaching" as stated in Article 14 of the Teachers' Act.

1. Not following the scheduled start and end times of classes, frequently arriving late or leaving early.

2. Having a record of absences to class or to work, displaying a passive attitude and not improving after being advised of the fact.
3. Using language to humiliate students, causing them emotional harm.
4. Applying physical punishment to students.
5. Displaying inappropriate teaching behavior, clearly damaging students' right to learn.
6. Being the responsible party for serious communication problems between parents and instructors.
7. Severely mismanaging classes.
8. Being lax in teaching, counseling students, or performing administrative duties, and thus causing ineffective teaching, aggravation of abnormal student behavior, or delays in administrative procedures.
9. Teaching or holding part-time positions outside the University without permission or attending to personal business affairs during work hours.
10. Promoting products, books, or tests and benefiting from the sales.
11. Suffering from serious illness or physical weakness hindering the performance of teaching duties, with concrete proof of the facts.
12. Other reasons why the instructor is unfit for the job, with concrete proof of the facts.

Should a pertinent unit submit a case, it must be reviewed by the University's three levels of Faculty Review Committees

#### F. Reasons and Procedures for Suspension of Appointment

##### a. Reasons for Suspension of Appointment

1. Being sentenced to serve in prison, not being able to exchange jail time with a fine, or not paying a fine and having to perform physical labor.
2. Being issued a warrant for arrest or being in prison or custody.
3. Being sued for a serious matter.
4. Being suspected of illegal behavior and being investigated for a serious matter.

##### b. Procedures for Suspension of Appointment

1. In cases where reason 1 or 2 occurs, the University will suspend the instructor.
2. In cases where reason 3 or 4 occurs, suspension will take place after approval by the Faculty Review Committee. Before the

determination, the implicated faculty member will have the opportunity to present his or her position.

#### G. Reasons and Procedures for Termination and Non-renewal of Appointment

##### a. Reasons for Termination and Non-renewal of Appointment

1. Being convicted for corruption, civil disobedience, or treason.
2. Having been found guilty of committing a sexual assault.
3. Other than the two crimes stated above, being sentenced to a prison term that has not been served or has not been served completely. Individuals on probation are not bound by this stipulation.
4. Being dismissed from employment in accordance with the law, or undergoing the disciplinary action of suspension from employment with the penalty not yet terminated, or being suspended from employment due to an indictment in a pending case.
5. Having had one's civil rights revoked and not yet reinstated.
6. Having displayed severe inappropriate behavior corroborated by an investigation.
7. Being ineffective in teaching with proof of the fact and unable to make improvements during the time period given.
8. Severely violating regulations of the Ministry of Education or stipulations in letters of appointment or contracts.

##### b. Procedures for Termination and Non-renewal of Appointment

1. In cases where reasons 1 to 5 occur, the University will terminate an appointment or not renew an appointment.
2. In cases where reasons 6 to 8 occur, the University's Faculty Review Committee with a quorum of 2/3 members present will decide with a majority vote to terminate an appointment or not to renew an appointment.
3. Before a decision is made by the Faculty Review Committee, the implicated faculty member will be given the opportunity to present his or her position.
4. In cases of sexual assault or harassment, if the two parties involved have been given ample opportunity to present their positions during the investigation phase, it is considered that the Faculty Review Committee has already given the parties opportunity to state their cases. However, the Committee may require written explanations.

## H. Faculty Member's Grievances

### Procedures for Submitting Grievances

1. Faculty Members whose application for promotion are denied or who consider measures taken against them to be illegal or inappropriate may file grievances by following the procedures established by the University's Faculty Review Committees. Grievances will be reviewed in succession by the three levels of Faculty Review Committees.
2. When faculty members consider measures taken against them by the University or the Ministry of Education to be illegal or inappropriate and damaging to their rights, they may file grievances and appeals following the procedures established by the University's Faculty Appeals Review Committee.
3. According to the Teachers' Act, faculty members who are dissatisfied with the results of applications for promotion may choose to file grievances with either the Central Teachers' Appeals Review Committee of the Ministry of Education or the Appeals Review Committee of the Executive Yuan and follow procedures established by those committees.

## III. Responsibilities of Faculty Members

The responsibilities of full-time faculty members are established according to the University's pedagogical principles: implementation of the three strengths (the ability to learn, the ability to reach one's potential, the willingness to serve). These principles include the following four categories. Detailed work duties are submitted in a separate document for the approval of the University's Faculty Review Committee.

- A. Teaching (ability to learn)
- B. Research (ability to reach one's potential)
- C. Service (willingness to serve)
- D. Other (self-regulation)

## IV. **These rights and responsibilities of full-time faculty and regulations regarding termination or non-renewal of appointment (including work duties) have been added to the University's regulations (Personnel Regulations), letters of appointment and**

**contracts for full-time faculty. Once they take effect, present and new full-time faculty members must abide by them.**

- V. These regulations have been approved by the University Affairs Committee. They become effective after ratification by the President. Amendments to these regulations must follow the same procedure.**