

CYCU Part Time Student Assistants' Learning and Labor Rights Dispute Settlement Guidelines

Approved at 946th School Administration Council on October 6, 2016

- I. In order to protect the students' right to education and work, CYCU establishes the Guidelines in accordance with the MOE "University/College and Above Part-time Student Assistant Learning/Labor Rights Protection Handling Principles" and Article 14 of the "CYCU Part Time Student Assistants' Learning and Labor Rights Protection Handling Directions".
- II. The "Student Learning and Labor Dispute Settlement Taskforce" (hereinafter referred to as the "Settlement Taskforce") shall consist of 7 ~ 11 members, including Vice President, Dean of Academic Affairs, Dean of Research and Development, Dean of Student Affairs, Director of Office of Human Resources, scholars in law and student representatives. The Vice President shall act as the convener. The Taskforce shall be dedicated to determining the relationship between the part-time student assistants' learning and labor rights and settling the relevant complaints.
- III. Where the faculties (units) or students have dispute over the determination of the relationship between the part-time student assistants' learning and labor rights, they may apply with the Settlement Taskforce for resolution within ten (10) days as of the day following conclusion of the relationship between the learning and labor rights confirmation application form.
- IV. Where the part-time student assistants believe that CYCU's measures or resolution against learning or labor rights should be against laws or improper and thereby infringe their rights or interests, they may file a complaint with the Settlement Taskforce in writing within thirty (30) days as of the day following production of the measures or resolution. The Settlement Taskforce shall hold a meeting within ten (10) days as of the day following receipt of the application for determination of the relationship or the complaint filed by the part-time student assistants, and shall make the resolution or provide the review report within two (2) months as of the date following receipt of the application or complaint.
- V. The application for determination of the relationship between learning and labor rights shall be filed in writing and identify the following:
 - (1) Concerned party's name and unit
 - (2) Key points
 - (3) Subject matter to be determined

The complaint shall be attached with the written complaint specifying the following details, as well as the original written decision, documents and evidence:

- (1) Complainant's name and unit
- (2) Unit rendering the original measures or resolution
- (3) Date (MM/DD/YY) on which the resolution is received or known, and facts and reasons of the complaint
- (4) Desired remedies
- (5) Date (MM/DD/YY) of complaint
- (6) To expressly state whether any other remedies have been initiated for the same issue.

VI. The resolution or review result made by the Settlement Taskforce may be adopted only if the taskforce meeting is attended by more than a majority of the whole members and more than a majority of the present members show agreement at the meeting.

VII. Any taskforce members who have a conflict of interest with the application or complaint shall recuse themselves from the review.

Where it is reasonable to believe based on certain concrete facts that the taskforce members may become prejudiced, an application for the members' recusal may be filed with the taskforce based on the relevant causes and facts.

The application referred to in the preceding paragraph shall be resolved by the taskforce members' meeting.

In the course of the review procedure, the settlement taskforce members shall not enter into contact with the concerned party or any person representing the concerned party's interest or any stakeholder for the purpose other than that of the procedure, unless it is resolved by the members' meeting.

VIII. The taskforce meetings shall not be open. The resolution and members' comments shall be kept in confidence.

The settlement taskforce shall review the written information and related evidence submitted by the concerned party or complainant, and provide the concerned party or complainant, the representative of the unit rendering the original measures or resolution, related parties and related witnesses with the chance to make statements.

IX. Where the concerned party applying for the resolution or filing the complaint files at the same time, has filed or will file an appeal, administrative litigation, civil action or criminal action against the matters involved, or a motion to the "MOE University Part-Time Student Assistants' Orientation and Learning Activity Review (Inter-departmental) Platform", he/she shall immediately notify the settlement taskforce in writing.

Where the settlement taskforce is aware of the circumstance referred to in the preceding paragraph upon receipt of the notice or ex officio, it shall suspend the resolution or review and notify the concerned party in writing. Upon receipt of the concerned party's written application or awareness of CYCU of extinguishment of the causes of the suspension, the taskforce shall continue resolving or reviewing the case and notify the concerned

party in writing.

X. The settlement taskforce shall resolve to revoke any application or complaint that is considered groundless.

The settlement taskforce shall resolve to accept any application or complaint that is considered grounded and also specify the remedial measures, if available, in the main body of the written decision or written resolution.

XI. The written decision shall contain the following:

- (1) Concerned party's name and unit
- (2) Name, date of birth, ID No. and residence/domicile of the agent or representative, if any.
- (3) Unit dedicated to determining the relationship
- (4) Main body, facts and reasons. The written decision rejecting the application may be exempted from statement of the facts.
- (5) Instruction on remedial measures
- (6) Signature by the chairperson of the settlement taskforce meeting. Where the chairperson fails to perform his/her duty with causes when the settlement taskforce renders the written resolution, the resolution shall be signed by the deputy chairperson and state the causes.

The written resolution shall contain the following:

- (1) Complainant's name and unit
- (2) Name, date of birth, ID No. and residence/domicile of the agent or representative, if any.
- (3) Unit rendering the original measures or resolution
- (4) Main body, facts and reasons The written decision rejecting the application may be exempted from statement of the facts.
- (5) Instruction on remedial measures
- (6) Signature by the chairperson of the settlement taskforce meeting. Where the chairperson fails to perform his/her duty with causes when the settlement taskforce renders the written resolution, the resolution shall be signed by the deputy chairperson and state the causes.

XII. The original written decision or written resolution shall be prepared in the name of CYCU, and served to the concerned party, complainant and unit rendering the original measures or resolution in the name of CYCU and in the manner available to certification and audit.

XIII. Where no other remedy is initiated within thirty (30) days as of the day following the service of the written decision or written resolution to the concerned party, the decision or resolution shall be held sustained.

Where the concerned party disagrees to the decision against determination of the relationship, he/she may complete the “Application Form for Submission of Motion to University Part-Time Student Assistants’ Orientation and Learning Activity Review Platform Taskforce Meeting” to submit a motion to the “MOE University Part-Time Student Assistants’ Orientation and Learning Activity Review (Inter-departmental) Platform”.

Where the part-time student assistants disagree to the settlement taskforce's resolution, they may file an appeal or legal action with the competent authority pursuant to related laws within the statutory time limit.

Where the part-time student assistants disagree to the settlement taskforce's resolution against labor terms and conditions, they may apply with the competent authority for a mediation, arbitration or decision in accordance with the Act for Settlement of Labor-Management Disputes upon service of the written resolution.

- XIV. Any matters not covered herein shall be implemented in accordance with the relevant laws and CYCU’s relevant regulations.
- XV. The Guidelines are passed by the School Administration Council, and shall be promulgated and enforced by the President. The same shall apply where the Guidelines are amended.