



財團法人高等教育評鑑中心基金會

Higher Education Evaluation and Accreditation Council of Taiwan

## Regulations Governing the Review of Appeals against Results of Higher Education Accreditation and Other Quality Assurance Related Thereto

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### Chapter 1 General Provisions

#### Article 1

In order to review appeals filed by universities, colleges and junior colleges (hereinafter “institution(s)”) against the results of higher education accreditation and other quality assurance related thereto for which the Higher Education Evaluation and Accreditation Council of Taiwan (hereinafter “the Council”) is commissioned to conduct such accreditation of quality assurance (hereinafter “accreditation”), the Council hereby promulgated the Regulations in accordance with Article 6, paragraph 10 of *Regulations Governing the Accreditation of Universities and Colleges*, and Article 5, paragraph 10 of *Implementation Regulations Governing Junior College Evaluations*.

#### Article 1-1

The term “commissioned to conduct such accreditation of quality assurance” as used in the Regulations includes the following three categories:

1. Project-specific accreditation: e.g., institutional accreditation, accreditation of teacher education programs, or other types of accreditation;
2. Recognition of self-accreditation: an institution evaluates and self-accredits one of its own programs, and then submits the self-accreditation results to the Council for recognition; and
3. Accreditation of quality assurance: an institution commissions the Council with full authorization to conduct an evaluation of one or more of its programs.

## **Chapter 2 Organization**

### **Article 2**

The Council shall establish an Appeals Review Committee (hereinafter “the Appeals Committee”), which is composed of nine to fifteen members with no fix salary or remuneration for the positions. Members of the Appeals Committee serve one term of two years. The Executive Director of the Council shall nominate candidates to be chosen from faculty members of higher education institutions who possess expertise in law/ education evaluation/accreditation; or from disinterested persons of integrity in the community. A candidate will be appointed as a member of the Appeals Committee by the Council upon approval of the Council’s Board of Trustees (hereinafter “the Board of Trustees”).

When there is a vacancy on the Appeals Committee, a replacement member may be nominated, based on the needs. The replacement shall be appointed after the nominee is passed at a meeting of the Council’s Board of Standing Committee, and such appointment shall be submitted to the Board of Trustees for afterward ratification. The replacement member shall serve out the remainder of the original member’s term.

### **Article 3**

A meeting of the Appeals Committee shall be convened by the President of the Board of Trustees or by his/her appointed representative. The Chairperson of the Appeals Committee shall be selected by and amongst Committee members and shall chair all Committee meetings. The Chairperson serves one term of two years and may be reappointed for the next term.

In case the Chairperson is unable to chair a meeting, he/she may appoint a Committee member to act on his/her behalf as an acting Chairperson. If an acting Chairperson is not appointed, the members in attendance shall select a member to chair the meeting.

### **Article 4**

An appeal shall be reviewed at a meeting of the Appeals Committee. In order to pass a resolution, more than one-half of Committee members must be in attendance, and the resolution must earn the support of a majority of members present, provided that to pass a final resolution of an appeal, there must be a majority of Committee members in attendance and gain the support of the final resolution by at least two-thirds of those members present.

Where a member attends a meeting of the Appeals Committee to pass a resolution as described in the preceding paragraph, but has excused himself/herself in accordance with regulations, he/she is not calculated as one of the Committee members in attendance.

### **Chapter 3 Administering an Appeal**

#### **Article 5**

Should an institution object to the results of accreditation of quality assurance (hereinafter “accreditation results”) for which the Council is commissioned to conduct, it may file a written appeal to the Council within thirty days from the day after receipt of the notice of the accreditation results. In case a medical institution objects to the accreditation results conducted by the Taiwan Medical Accreditation Council (TMAC), such institution shall file the appeal with TMAC in accordance with the Council’s regulations.

An institution filing an appeal (hereinafter “appeal-institution”) at the Council shall first submit the basic appeal fee for each appeal case (NT\$90,000). The appeal-institution, once submits the basic appeal fee, may not request a refund for any reason. While filing an appeal, the appeal-institution fails to pay pursuant to the Council regulations, the Council shall notify the appeal-institution of a specified time limit by which to pay the basic appeal fee. If the appeal-institution fails to pay by the deadline, the appeal shall be dismissed accordingly.

The format of the written appeal described in the Paragraph 1 shall be drawn up by the Council and published on the Council’s website.

#### **Article 6**

An appeal-institution shall complete one Appeal Form as stipulated in Council’s regulations for each appeal it wishes to file. The appeal-institution is supposed to state clearly its reasons for appealing against the accreditation results, to delineate the alleged violation(s) of procedure while conducting accreditation, and/or that certain evaluation(s) leading to the accreditation results allegedly do not conform to facts presented. The appeal-institution is supposed to provide specific facts and reasons to explain and support its allegations. Should an appeal-institution fail to state clearly its reasons for appealing, and/or to provide concrete facts and reasons as above-required, the Appeals Committee may notify the appeal-institution to make supplemental corrections of its appeal by a specified time limit. If the appeal-institution fails to comply with these requirements by the deadline, the appeal shall be dismissed accordingly.

The term “violation(s) of procedure” as described in the preceding Paragraph refers to a violation of methods for accreditation as prescribed in Council’s regulations, or a violation of due procedures of law, which then results in an unfavorable accreditation result for the appeal-institution. The term “lack of conformity to facts” means that data, information, and/or other documents prepared by the appeal-institution and relied on by the reviewers conducting the on-site visit, do not represent the actual state of affairs at that time of the appeal-institution, and thereby resulted in

unfavorable accreditation results for the appeal-institution. However, where the alleged lack of conformity to facts presented is due to incomplete or inaccurate data, information and/or other documents provided by the appeal-institution at the time of the on-site visit, or none of such data, information and/or other documents provided as supporting quality assurance related thereto filed by the appeal-institution after receiving the tentative draft report of the accreditation is recognized by the reviewers who conducted the on-site visit, then the appeal-institution may not take the alleged “lack of conformity to facts” as a reason for its appeal.

## **Chapter 4 Review of Appeals**

### **Article 7**

After receiving an appeal in writing filed by an appeal-institution, the Council shall, within seven days therefrom, list such appeal with case numbers on file and forward the case to the Appeals Committee for review. Within thirty days from the day the appeal case is received, the Appeals Committee shall convene a meeting to determine whether or not there was a violation of procedure during the process of accreditation, or whether any data, information and/or other documents as recorded in the accreditation results do not conform to facts presented.

### **Article 8**

An appeal-institution may submit a written notice to withdraw its appeal before a final resolution regarding the appeal has reached such appeal-institution.

After the appeal has successfully been withdrawn, the Appeals Committee shall terminate its review process of the appeal; there is no need for the Appeals Committee to produce a written resolution under such circumstances. The Council then shall notify the appeal-institution in writing to that effect. An appeal-institution may not file subsequent appeal(s) to the Council on the same issue.

### **Article 9**

Procedures related to an appeal shall not open to the public.

When reviewing an appeal, the Appeals Committee may determine to invite personnel from the appeal-institution, reviewers, academics, or experts to attend proceedings of the Appeals Committee and offer their testimony/advice related to the accreditation.

### **Article 10**

An Appeals Committee member who has a personal interest in an appeal must excuse himself/herself on his/her own initiative, and may not participate in any proceedings related to that appeal.

Should there be specific facts sufficient to present the possibility that a member of the Appeals Committee may be biased toward/against the appeal, the appeal-institution may apply for the excuse of such Committee member by clearly stating its reasons along with the supporting facts.

Once an application described in the preceding paragraph is submitted, the Appeals Committee shall decide whether or not to request specified Committee member to excuse himself/herself. During review procedures of an appeal, any Committee member may not have unnecessary contact outside of appeal procedures with personnel from the appeal-institution, a person representing the interests of the appeal-institution, or with a related stakeholder, except where the Appeals Committee has in advance decided to allow a Committee member to have contact with one of the persons above-mentioned.

## **Chapter 5 Resolutions**

### **Article 11**

The written resolution of an appeal shall be completed within three months after the first meeting convened by the Appeals Committee to review the appeal. However, this deadline may be extended, when necessary, and the appeal-institution shall be notified of the extension. Furthermore, the deadline may be extended no more than once, and the extension must not exceed a period of two months.

The deadline mentioned in the preceding Paragraph will be calculated from the day after the appeal-institution submits to the Appeals Committee supplementary documents in accordance with the notice as detailed in the Paragraph 1 of Article 6. In case an appeal-institution fails to provide supplementary documents within time limit as required by the notice, the said deadline shall be calculated from the day next to the expiration of the time limit so set for the appeal-institution to submit its supplementary documents, if any.

### **Article 12**

The Appeals Committee shall produce a written resolution based on the results of its deliberations. The Council shall mail such resolution to the appeal-institution, and a copy thereof to the Ministry of Education for its records.

### **Article 13**

The written final resolution shall clearly state the listed case numbers on file, as well as the following information:

1. The name and address of the appeal-institution as well as the name of its president/principal. In case the appeal is filed by an agent of the appeal-institution, the name of such agent, his/her professional

- position, and address shall be included;
2. The main theme of the final resolution, including one of the following possible results: the appeal dismissed without being decided on the merit; the appeal sustained with remedial measures; the appeal dismissed after having been decided on the merit; portions of the appeal dismissed without being decided on the merit; the appeal is partially sustained, or the appeal is partially dismissed after having been decided on the merit;
  3. Summary of Facts as well as Contention of Both Sides: including the statements of the appeal-institution with its desired remedies, and the Council's response to the contention of the appeal-institution;
  4. Reasoning leading to the resolution;
  5. The names of the Chairperson and all members of the Appeals Committee participating the final resolution;
  6. The seal of the Council; and
  7. The date of the final resolution, including year, month, and day.

#### Article 14

In case an appeal is sustained, the Council shall either revise the accreditation results in accordance with the written final resolution, or conduct a new round of accreditation, within thirty days from the day after the written final resolution was received by the Council. Moreover, the Council shall send a written notice to the appeal-institution of the above decision.

#### Article 15

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#### Article 16

After the Council has revised the accreditation results or conducted a new round of accreditation, a report shall be made, detailing how the final resolution is being executed. A copy of the report shall be sent to the Appeals Committee. In case the Council was commissioned by the Ministry of Education to conduct such evaluation, a copy of the report shall also be submitted to the Ministry of Education for reference.

#### Article 17

The written report on the execution of the final resolution must clearly state the listed case numbers on file of the original appeal as shown on the written final resolution, together with the following information:

1. The procedures for revising accreditation results, or the process for conducting the latest round of accreditation; and
2. The reasons for the revised accreditation results, or the reasons for the

results produced following the latest round of accreditation conducted.

Article 18

An appeal-institution may not appeal to the Council against the new accreditation results to have been conducted as recommended in the written final resolution.

**Chapter 6 Additional Provisions**

Article 19

All Appeals Committee members bear the responsibility and obligation to keep confidential as to those matters related to an appeal.

Article 20

The Regulations are promulgated and implemented following the approval of the Council's Board of Trustees.