

# National Cheng Kung University Regulations Governing Teacher Recruitment

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Article 1 National Cheng Kung University (hereinafter “the University”) Regulations Governing Teacher Recruitment (hereinafter “the regulations”) are enacted according to Article 33 of the NCKU Organizational Regulations and other relevant regulations.

Article 2 The candidate shall fulfill the following requirements:

1. Possess exceptional character and integrity as well as a certificate of outstanding teaching performance proving them competent for the position in a certain department/college and beneficial to the department/college’s development.

2. Lecturers must satisfy one of the following requirements:

- (1) Have assumed a teaching role and received a lecturer certificate issued by the Ministry of Education proving their exceptional competence.

- (2) Have obtained a master’s degree or equivalent from a domestic or foreign university or graduate school with distinguished academic performance and publications.

3. Assistant professors should meet one of the following requirements:

- (1) Have assumed a teaching role and received an assistant professor certificate

issued by the Ministry of Education proving their exceptional competence.

(2) Have obtained a master's degree or equivalent with exceptional academic performance and publications.

(3) Have obtained a master's degree or equivalent, 4 years of experience or longer in research work, professional practice, or a capacity related to the subject studied, outstanding academic performance, and specialized publications.

(4) Have served as a lecturer for 3 years or longer with excellent performance and publications.

4. Associate professors should fulfill one of the following requirements:

(1) Have assumed a teaching role and received an associate professor certificate issued by the Ministry of Education proving their outstanding performance.

(2) Have obtained a doctoral degree or equivalent, 4 years of experience or longer in research work, professional practice, or a capacity related to the subject studied, as well as specialized publications.

(3) Have served as assistant professor for at least 3 years with distinguished work performance and publications.

5. Professors should meet one of the following requirements:

(1) Have assumed a teaching role and been issued a professor certificate by the Ministry of Education proving their exceptional competence.

(2) Have obtained a doctoral degree or equivalent, 8 years of experience or longer in research work, professional practice, or a capacity related to the subject studied, and significant contributions to academia or in specialized publications.

(3) Have served as associate professor for 3 years or longer with exceptional performance and significant academic publications.

6. Employment qualifications for teachers specializing in fields including clinical medicine and pharmacy for medical colleges shall conform with relevant laws promulgated by the Ministry of Education.

7. Each department may reappoint professional technicians as professional teachers when in special need. The qualifications for undergraduate professor are specified in related laws promulgated by the Ministry of Education.

Article 3 Domestic and foreign universities mentioned in Article 2 are limited to public and registered private universities/graduate schools and foreign universities /graduate schools certified by the Ministry of Education.

Article 4 Employment at the University is divided into initial, renewed, and tenured employment. The term for initial employment is 1 year. For renewed employment, the first term shall be 1 year, but later renewal terms shall be 2 years. The commencement of tenured employment shall be otherwise regulated.

Article 4-1 The appointment of teachers and the punishment, dismissal, suspension, and nonrenewal of appointment must be reviewed and approved by the Third-Level Faculty Evaluation Committee. Each college shall form relevant regulations to appoint teachers according to its requirements and characteristics. The review of the abovementioned matters related to appointed teachers shall be exempt from the submission to Department/College Faculty Evaluation Committees for review.

Article 5 Newly recruited professors and associate professors shall undergo evaluation by the department/college/university faculty evaluation committee to determine whether their employment contract will be renewed 6 months before reaching the 4th year of their initial/renewed employment period. Teachers who do not pass the accreditation shall not be reappointed starting from the 5th year. However, teachers whose extension of services is reviewed and approved during their initial employment period shall be granted renewal approval. In addition, newly recruited associate professors who have completed the procedure to be promoted to the rank of professors shall be granted renewal approval. Newly

recruited professors who have accomplished great achievements or contributions to academia may be directly granted tenure at the University.

Newly appointed assistant professors who are unable to receive a promotion within 6 years of their employment shall not be reappointed starting from the 7th year. For pregnancy, childbirth, raising children aged under 3 years, and other special circumstances, assistant professors may be granted a renewal term of 2 years starting from the 7th year after obtaining approval from the Faculty Evaluation Committee; those who are still not promoted within those 2 years shall no longer be reappointed.

During the renewal term of 2 years, assistant professors who are still affected by any of the special circumstances in the previous paragraph and that is likely to affect their academic performance may extend their renewal term for an additional 2 years upon approval by the Faculty Evaluation Committee six months prior to the end of the renewal term. The aforementioned provisions shall also apply to newly recruited lecturers. Newly employed foreign teachers should attempt to equip themselves with Chinese proficiency shortly when their employment begin.

Article 6 The employment of teachers is terminable at the University. Through employment renewal, a teacher may continue to be employed after the end of their employment term. Dismissal is defined as the termination of a contract by the University during the employment period, whereas suspension is the temporary cessation of the contract relationship. Teachers who disagree with decisions on dismissal, suspension, and nonrenewal may file a complaint to the Teacher's Appeal Review Committee.

Article 7 If a teacher at the University shall be dismissed, suspended, or nonrenewed according to Teachers' Act, relevant processes are dealt with according to Teachers' Act.

If a teacher at the University had any of the following conditions, the teacher will be dismissed, suspended, or nonrenewed according to University Act, Teachers' Act, or other related laws and regulations.

1. Conditions depicted in Article 5 of the regulations
2. Conditions depicted in Article 6 of the National Cheng Kung University Directions for Faculty Evaluation
3. Severe breach of academic ethics
4. Other conditions causing severe breach of the appointment contract

When a teacher cannot be appointed according to Teachers' Act, the University shall conduct reporting, information collection, and investigation according to relevant regulations.

Article 7-1 An employed teacher who, as confirmed by relevant authorities through an investigation, has violated laws by taking advantage of his/her public authority or public sector funds and has been prosecuted shall be suspended for a period between 2 and 5 semesters in accordance with the severity of the violation. The penalty shall be imposed by the Third-Level Faculty Evaluation Committee on the basis of Article 7 of the regulations

Article 7-2 During the suspension of a teacher, the University shall retain his/her position until the expiration of the suspension period or the extinguishment of the cause for suspension. The teacher must be evaluated by the Third-Level Faculty Evaluation Committee following the administrative procedure, after which he/she shall resume the teaching position. Prior to the expiration of the suspension period or if the cause of the suspension has yet to vanish after the suspension period expires, the aforementioned committee shall continue to evaluate the teacher's eligibility to retrieve his/her position in accordance with relevant regulations.

Article 7-3 (Removed)

Article 8 With guaranteed academic freedom, teachers who are under one of the following conditions shall be suspended for a certain period alone or in combination with other penalties. The punishment shall be determined by the Third-Level Faculty Evaluation Committee according to the violation's level of severity.

1. Teachers who are ineffective in or incompetent for teaching tasks, violate academic ethics, or breach the appointment contract with concrete facts, but have yet to reach a level of violation severity that requires dismissal, suspension, or refusal of reappointment.

2. Teachers who meet any condition in Article 7-1 but have not been accused.
3. Teachers who violate the law when serving their role in teaching, research, and other relevant services, but have yet to reach a level of violation severity that requires dismissal, suspension, or refusal of reappointment.
4. Teachers whose behaviors ruin the University's reputation.

Suspension measures are as follows. Teachers will:

1. be denied academic or administrative directorship in units of all levels,
2. be denied appointment as a member of the Faculty Evaluation Committee or other designated committees,
3. denied applications for a secondment position,
4. be denied applications for and practice of lecturing abroad, researching domestically or abroad, and or advanced studies or in-service training,
5. be denied research leave,
6. be denied applications for research projects,
7. be denied implementation of a research project,
8. be denied applications for promotion and increases in salary,
9. be denied any part-time teaching or work off campus,
10. be denied supervision of new graduate students or students in a certain year of graduate study,
11. be denied academic rewards or research grants,
12. be denied recommendations to participate in off-campus activities,
13. be denied a promotion,
14. have their academic research allowance deducted or terminated,
15. others.

Article 9 Each candidate should submit the following documents and certificates to apply for a position:

1. Application form for the designated position
2. Curriculum vitae
3. Graduate certificate or degree certificate
4. Publications
5. Certificate of service
6. Three recommendation letters
7. Other documents that sufficiently disclose the candidates' qualifications

Article 10 The employment of teachers must be administered in an open, just, and fair manner, and the recruitment information shall be declared through media or in academic journals. The initial review is conducted by the Faculty Evaluation Committee of each department/institute. After the candidate passes the initial review, the candidate shall be recommended to the corresponding college. A second review is conducted by the College-Level Faculty Evaluation Committee. Candidates who pass the second review shall be recommended to the University-Level Faculty Evaluation Committee for the final review. The initial review regulations for faculty recruitment of each department/institute are established by each department/institute. The established regulations of each department/institute are submitted by the college dean to the University-Level Faculty Evaluation Committee for ratification. The review regulations for faculty recruitment of each college are established by each college and forwarded to the University-Level Faculty Evaluation Committee for ratification.

Article 11 Teacher employment shall be conducted only once at the beginning of each semester (i.e., February 1 or August 1). The start of the employment period is the beginning of each semester. Each college shall complete the recommendation procedure prior to December 15 or June 15 every year.

Article 12 Data of the candidates who pass the second review of each college shall be submitted to the Personnel Office, which is responsible for organizing the information before forwarding it to the University-Level Faculty Evaluation Committee. Subsequently, the committee forwards the information to the president for the issuance of certificates of appointment on which ranks are specified.

Article 13 Each department/institute shall review the assistant professor/lecturer candidates who submit a foreign degree as their proof of educational attainment according to the Regulations Governing the Assessment and Recognition of Foreign Academic Records by Institutions of Higher Education, Regulations Governing the Assessment and Recognition of Mainland Chinese Academic Records, and Regulations Governing the Examination and Recognition of Educational Records from Hong Kong and Macao. Candidates whose duration of study for their master's or doctoral degree complies with regulations shall undergo an external review of their specialized publications or dissertations. This is conducted by the department/institute's Faculty Evaluation Committee in accordance with the University's procedure for faculty promotion, and the obtained results shall be forwarded to the College- and University-Level Faculty Evaluation Committee to complete the recruitment.

After the departmental/institutional review, candidates whose duration of study for their master's or doctoral degree does not comply with regulations may be reported as special cases to the Third-Level Faculty Evaluation Committee for discussion. After approval of the committee, an external review of the candidates' publications may be conducted. The Office of Academic Affairs, complying with the University's procedure for faculty promotion, shall submit the dissertations, individual publications, and academic works of the candidates for external review, the results of which are forwarded to the College- and University-Level Faculty Evaluation Committee to complete the recruitment.

Teachers recruited by each college in terms of the previous two paragraphs are dealt with by the college and College-Level Faculty Evaluation Committee.

External review shall be completed by the deadline stipulated in Article 11 of the regulations. The recruiting unit shall conduct relevant preprocessing operations in advance according to the estimated time required for the entire process. After the completion of the recruitment, the reviewed cases shall be reported by the Personnel Office to the Ministry of Education for future reference and issuance of teacher certificates. Years of teaching will be calculated pursuant to the month and year ratified by the Ministry of Education.

Article 14 By August 15 (for recruitment that begins on February 1) or the end of February (for recruitment that begins on August 1), each college shall submit the relevant documents of candidates who have not applied for the position using their degree and not obtained a teacher certificate of the required rank to the Office of Academic Affairs; this is for an external review of the candidates' publications in accordance with the University's faculty promotion procedure. The external review results will be forwarded to the University-Level Faculty Evaluation Committee, and then to the president for ratification. Finally, the reviewed cases will be reported to the Ministry of Education for future reference and issuance of teacher certificates. The years of teaching will be calculated pursuant to the month and year ratified by the Ministry of Education.

Article 15 For teaching positions outside the department/institute of a certain college, the Physical Education Office, and the first-level units (e.g., center, office, museum, and library), the initial review must comply with the procedure developed by the department/institute. The second review shall be conducted by the Faculty Evaluation Committee of other departments/institutes. However, the second review for positions within the Center for Micro/Nano Science and Technology and the Computer and Network Center shall be conducted by the Faculty Evaluation Committees of the College of Engineering and the College of Electrical Engineering and Computer Science, respectively.

Article 16 Matters not specified in the regulations shall be dealt with according to the University Act, Teachers' Act and other related laws and regulations.

Article 17 The regulations are deemed effective by the University Affairs Committee Meeting. The same shall apply for all amendments to the Regulations.

※The English translation thereof is for reference only and the Chinese version shall always prevail in case of any inconsistency between the Chinese version and the English translation thereof.

**Reference Attachment for Article 7 of National Cheng Kung University Regulations Governing Teacher Recruitment (Teachers' Act, amended date: 2019.06.05, the date of effect of this Act shall be determined by the Executive Yuan.) Excerpt**

Article 14

A teacher to whom any one of the following situations pertains shall be dismissed and the person never again be permitted to be appointed as a teacher:

1. The person has been found guilty of a criminal offense against the internal or external security of the State, committed after the Period of National Mobilization for Suppression of the Communist Rebellion, and convicted with no further right of appeal.
2. The person has been found guilty of corruption while employed in civil service and convicted with no further right of appeal.
3. The person has been found guilty of a crime as defined in Article 2, Paragraph 1 of Sexual Assault Crime Prevention Act and convicted with no further right of appeal.
4. An educational institution's gender equity education committee or another appropriate committee set up in accordance with the law has investigated and confirmed that the person has committed a sexual assault.
5. An educational institution's gender equity education committee or another appropriate committee set up in accordance with the law has investigated and confirmed that the person has committed sexual harassment or sexual bullying, and that it is necessary for that person to be dismissed and never again be permitted to be employed as a teacher.
6. The person has been penalized in accordance with the provisions of Child and Youth Sexual Exploitation Prevention Act, or the provisions of Article 20 or Article 25 of Sexual Harassment Prevention Act and the gender equity education committee of the educational institution has confirmed that the person has been subject to such punishment, and that it necessary for that person to be dismissed and never again be permitted to be employed as a teacher.
7. The person has been penalized in accordance with the provisions of Article 97 of Protection of Children and Youths Welfare and Rights Act by the competent social welfare authority at each level, and the teacher evaluation committee of the educational institution has confirmed this, and it is necessary for that person to be dismissed and never again be permitted to be employed as a teacher.
8. The teacher became aware that an incident of suspected sexual assault has occurred on the campus the teacher is employed but did not report the matter in accordance with the provisions of Gender Equity Education Act, thereby leading to a subsequent sexual assault on campus; or forged, altered, destroyed, or concealed evidence of any sexual assault incident committed by any other persons, and any such failure to report or forging, altering, destroying or concealing of evidence has been investigated and verified by the educational institution or the authorities concerned.
9. The person has forged, altered, or destroyed evidence of any other persons committing a dangerous offence on campus involving narcotics or hazardous drugs on campus, and this has been investigated and verified by the educational institution or the authorities concerned.
10. The person has inflicted corporal punishment on or bullied one or more students, causing severe physical or mental injury.
11. The person has acted in violation of any pertinent laws or regulations, and the matter has been investigated and verified by the educational institution or the authorities concerned, and it is necessary for that person to be dismissed and never again be

permitted to be employed as a teacher.

A teacher to whom any of the situations referred to in Subparagraphs 1 to 3 of the preceding paragraph pertain shall be dismissed without the disciplinary action having to be deliberated by a teacher evaluation committee, and without it having to be reported to the competent authority to be reviewed and approved, and the matter is not subject to the provisions of Paragraph 1 of Article 20 of University Act or the provisions of Paragraph 1 of Article 27 of Junior College Act.

If any of the situations referred to in Subparagraphs 4 to 6 of Paragraph 1 pertains to a teacher, the matter does not have to be deliberated by a teacher evaluation committee, and after the disciplinary measure has been reported to and approved by the competent authority, the educational institution shall dismiss the teacher, and the matter is not subject to the provisions of Paragraph 1 of Article 20 of University Act or the provisions of Paragraph 1 of Article 27 of Junior College Act.

An educational institution shall dismiss a teacher to whom any of the situations referred to in Subparagraph 7 or Subparagraph 10 of Paragraph 1 pertains after a teacher evaluation committee meeting attended by at least two-thirds of its members has deliberated the matter and at least half of the members in attendance supported a resolution to do so, and after this disciplinary measure has then been reported to and approved by the competent authority. An educational institution shall dismiss a teacher to whom any of the situations referred to in the provisions of Subparagraphs 8, 9, or 11 pertains after a teacher evaluation committee meeting attended by at least two-thirds of its members has deliberated the matter and at least two-thirds of the members in attendance supported a resolution to do so, and after the disciplinary measure has then been reported to and approved by the competent authority.

#### Article 15

A teacher shall be dismissed and the educational institution shall formally decide on a period of between one to four years, during which that person is not permitted to be appointed as a teacher, if any one of the following situations pertains:

1. An educational institution's gender equity education committee or another appropriate committee set up in accordance with the law has investigated and confirmed that the person committed sexual harassment, or sexual bullying, and that it is necessary to dismiss the person.
2. The person has been penalized in accordance with the provisions of the Child and Youth Sexual Exploitation Prevention Act, or the provisions of Article 20 or Article 25 of Sexual Harassment Prevention Act, and the gender equity education committee of the educational institution has confirmed this, and it is necessary to dismiss the person.
3. The person has inflicted corporal punishment on or bullied one or more students, causing severe physical or mental injury and it is necessary to dismiss the person.
4. The person has been penalized in accordance with the provisions of Article 97 of the Protection of Children and Youths Welfare and Rights Act by the competent social welfare authority at each level, and the teacher evaluation committee of the educational institution has confirmed this, and it is necessary to dismiss the person.
5. The person has acted in violation of any pertinent laws or regulations, and the matter has been investigated and verified by the educational institution or by the authorities concerned, and it is necessary to dismiss the person.

An educational institution shall dismiss a teacher to whom any of the situations referred to in Subparagraphs 1 or 2 of the preceding paragraph pertain, after a teacher evaluation committee meeting attended by at least half of its members has deliberated the matter and at least half of the members in attendance supported a resolution to do so, and after the disciplinary measure has then been reported to and approved by the competent authority.

An educational institution shall dismiss a teacher to whom any of the situations referred to in the provisions of Subparagraph 3 or Subparagraph 4 of Paragraph 1 pertains, after a teacher evaluation committee meeting attended by at least two-thirds of its members has deliberated the matter and at least half of the members in attendance supported a resolution to do so, and after the disciplinary measure has then been reported to and approved by the competent authority. An educational institution shall dismiss a teacher to whom a situation referred to in the provisions of Subparagraph 5 pertains, after a teacher evaluation committee meeting attended by at least two-thirds of its members has deliberated the matter and at least two-thirds of the members in attendance supported a resolution to do so, and after the disciplinary measure has then been reported to and approved by the competent authority.

#### Article 16

An educational institution shall dismiss or deny renewal of appointment to a teacher to whom any of the situations referred to in the following subparagraphs pertains after that teacher was appointed, after a teacher evaluation committee has deliberated the matter and passed a resolution supporting the disciplinary measure, and after the disciplinary measure has then been reported to and approved by the competent authority; if the circumstances warrant severance with pay, the matter shall be dealt with in accordance with the provisions of Article 27:

1. There have been specific instances of their not fulfilling a teacher's duties, or being unable to competently perform their work.
2. The teacher has violated their appointment contract in a way which constitutes a serious offence.

If either of the situations referred to in the preceding subparagraphs pertains to a teacher, a teacher evaluation committee shall deliberate the matter at a meeting attended by at least two-thirds of its members and at least two-thirds of the members present need to be in agreement to pass a resolution regarding the disciplinary action. If, however, the situation referred to Subparagraph 1 of the preceding paragraph pertains to a teacher at a senior secondary or lower level school, the school shall apply to the competent authority to have the matter investigated and verified by its teachers' professional review committee. After this the matter shall be deliberated by a teacher evaluation committee with at least half of its members present and at least half of the members present must be in agreement to pass a resolution regarding the disciplinary action

#### Article 17

Each competent authority shall set up a teachers' professional review committee to assist senior secondary or lower level schools deal with cases of any of the circumstances referred to in Subparagraph 1 of Paragraph 1 of the preceding article, or in Paragraph 2 of Article 26, by accepting applications from schools regarding cases, or cases that have been referred to its teachers' professional review committee to deliberate, in accordance with Paragraph 2 of Article 26.

Each teachers' professional review committee shall have eleven to nineteen members who each serve for a term of two years.

The head of the competent authority shall select and appoint (assign) the members from among representatives of the administrative authority, educational scholars, legal experts, scholars and experts on children's and youth welfare, representatives of national or local principals' associations, representatives of national or local parents' associations, and representatives nominated by national or local teachers associations. The number of committee members of any one gender is not permitted to be less than one-third of the total number of committee members.

The regulations governing the formation and operations of the teachers' professional review committee referred to in Paragraph 1 shall be prescribed by the central competent authority.

A summary of the report made by each teachers' professional review committee when a case is concluded shall be made available for the public to read.

#### Article 18

If a teacher's conduct constitutes a violation of any pertinent laws or regulations, and the educational institution or the authority concerned has investigated and confirmed that the violation occurred, and the nature of the violation does not warrant dismissal of the teacher but it is necessary to suspend them, the educational institution's teacher evaluation committee may examine and consider the circumstances of the case, and it may pass a resolution to suspend the teacher for a period of between six months and three years, and the educational institution shall impose the suspension decided on, after a teacher evaluation committee meeting attended by at least two-thirds of its members has deliberated the matter and at least two-thirds of the members in attendance support a resolution to do so, and after the disciplinary measure has then been reported to and approved by the competent authority.

During the period of the suspension referred to in the preceding paragraph, a teacher is not permitted to apply for retirement or severance with pay, nor to undertake any teaching in any educational institution.

#### Article 19

A person to whom any of the following situations pertains is not permitted to be appointed as a teacher; if such a person has already been appointed, the educational institution shall dismiss them:

1. Any situation referred to in any of the subparagraphs of Paragraph 1 of Article 14.
2. Any situation referred to in any of the subparagraphs of Paragraph 1 of Article 15 that occurred during the period of one to four years formally decided on.

If any of the situations referred to in any of the subparagraphs of Paragraph 1 of the preceding article pertains to a teacher, during the suspension period of between six months and three years, another educational institution is not permitted to appoint them as a teacher; if such a person has already been appointed, the educational institution shall dismiss them.

A teacher referred to in either of the two preceding paragraphs who has already been appointed is a person who has been reported as having a criminal record in accordance with the provisions of Paragraph 1 of Article 20, shall be dismissed without the dismissal having to be deliberated by a teacher evaluation committee and without it having to be reported to and approved by the competent authority, and the matter is not subject to the provisions of Paragraph 1 of Article 20 of University Act or the provisions of Paragraph 1 of Article 27 of Junior College Act. A teacher who has never been reported as having a criminal record in accordance with the provisions of Paragraph 1 of Article 20 shall be dismissed, in accordance with the provisions of Article 14 or the provisions of Article 15.

With the exception of any person who has committed a sexual assault; sexual harassment, or sexual bullying which constituted a breach of the pertinent ordinances and the circumstances are serious; and with the exception of any person who has caused severe physical or mental injury to one or more students as a result of subjecting them to corporal punishment or bullying, any teacher who before the June 27, 2013 amendments to this Act took effect was investigated and verified by the authorities concerned to have behaved inappropriately in a way that impairs the professional dignity and status of teachers, and was therefore dismissed or did not have their appointment renewed, may once again be appointed as a teacher after a period of at least four years from the date of effect of their dismissal or the non-renewal of their appointment.

#### Article 20

If any of the situations referred to in Paragraph 1 of Article 14, Paragraph 1 of Article 15, Paragraph 1 of Article 18, and Paragraph 1 and 2 of the preceding article pertains to a teacher, the competent authority at each level and educational institutions at all levels shall undertake related reporting, collection of information, and checks in accordance with the regulations governing.

Before appointing any teacher, educational institutions shall check whether any of the circumstances referred to in the provisions of Paragraphs 1 and 2 of the preceding article pertain to the person; educational institutions shall also conduct checks of the teachers already appointed on a regular basis.

When assisting educational institutions to undertake the checking referred to in the preceding paragraph, the competent authorities at each level may use the database of persons who have been subject to an administrative penalty that was compiled by the central competent social welfare authority, in accordance with the provisions of Child and Youth Sexual Exploitation Prevention Act, of Article 20 of Sexual Harassment Prevention Act, or of Article 97 of the Protection of Children and Youths Welfare and Rights Act.

The regulations governing the reporting, and the collection, checking, handling, and use of information referred to in the three preceding paragraphs, and other related matters shall be prescribed by the central competent authority.

#### Article 21

A teacher to whom any of the following situations pertains shall be suspended temporarily, as a matter of course:

1. The person is subject to an arrest warrant or has been taken into custody, in accordance with criminal case procedures.
2. The person has been deprived of their civil rights in accordance with a final and irrevocable criminal case ruling.

The person has been given a custodial sentence in accordance with a final and irrevocable criminal case ruling and is currently in prison.

#### Article 22

Within one month from the day that an educational institution where a teacher works becomes aware of a teacher's being involved in any of the situations referred to in the following subparagraphs, after its teacher evaluation committee has reviewed the matter and given approval, that educational institution shall, without having to report the matter to the competent authority and receive its approval, temporarily suspend the teacher for a period of up to six months and wait for the results of an investigation. When necessary, the period of suspension may be extended after the teacher evaluation committee has reviewed the need for an extension and given approval. A maximum of two extensions is permitted and each extension is not permitted to exceed three months. If the investigation verifies that the circumstances did occur, after reporting the matter to the competent authority the educational institution shall suspend the teacher, without the disciplinary action having to be deliberated by the teacher evaluation committee, until the competent authority has reviewed and approved the disciplinary action, and the educational institution then dismisses the teacher:

1. Situations referred to in Subparagraphs 4 to 6 of Paragraph 1 of Article 14.
2. Situations referred to in Subparagraph 1 or 2 of Paragraph 1 of Article 15.

If a teacher has been involved in any of the situations referred to in the following subparagraphs, and the educational institution where the teacher works considers that it is necessary for that teacher initially to be suspended and an investigation to be conducted, after its teacher evaluation committee has reviewed the matter, and given approval, and without having to report the matter to the competent authority and receive its approval, the educational institution shall

temporarily suspend the teacher for a period of up to three months and wait for the results of an investigation. When necessary, the period of suspension may be extended one time only after the teacher evaluation committee has reviewed the need for an extension and given approval, and such an extension is not permitted to exceed three months. If the investigation verifies that the situation did occur, after it has reported the matter to the competent authority, the educational institution may suspend the teacher after its teacher evaluation committee has deliberated and is in agreement, until the competent authority has reviewed and approved the disciplinary action, and the educational institution then dismisses the teacher:

1. Situations referred to in Subparagraphs 7 to 11 of Paragraph 1 of Article 14.
2. Situations referred to in Subparagraphs 3 to 5 of Paragraph 1 of Article 15.

Decisions regarding the situations referred to in the preceding two paragraphs shall be made by the teacher evaluation committee at a meeting attended by at least half of its members with at least half of the members present supporting the decision.

#### Article 23

During the period of suspension of a teacher, the educational institution where they work shall reserve their position; if the expiration of the suspension period coincides with or occurs after the expiry date of their appointment, the educational institution shall renew that teacher's appointment.

The educational institution shall reinstate a teacher who has been suspended in accordance with the provisions of Article 18, or of Paragraph 1 or 2 of the preceding article, after the period of suspension expires. That teacher shall report for duty at the educational institution the day after the period of suspension expires.

If a teacher has been suspended in accordance with the provisions of Paragraph 1 or Paragraph 2 of the preceding article, and the reason for the suspension has ceased to exist, before the suspension period has fully expired, the teacher may apply to have their appointment reinstated.

An educational institution shall reinstate the appointment of a teacher who applies to be reinstated in accordance with the provisions of the preceding paragraph after a teacher evaluation committee deliberates the matter at a meeting attended by at least half of its members and at least half of the members present give agreement.

If a teacher was suspended in accordance with the provisions of Article 21 after the reason for the suspension has ceased to exist, except in cases when the educational institution imposed the suspension in accordance with the provisions of Paragraph 2 of the preceding article, the educational institution shall reinstate the teacher after the reason for the suspension has ceased to exist. The teacher shall report for duty on the day after the day that the reason ceased to exist.

If a teacher who has been suspended in accordance with this Act does not report for duty on the day after the period of suspension expires in accordance with the provisions of Paragraph 2, or does not report for duty on the day after the reason ceased to exist in accordance with the provisions of the preceding paragraph, or does not apply for reinstatement of their appointment within three months after the reason for the suspension has ceased to exist in accordance with the provisions of Paragraph 3, the educational institution shall be responsible for inquiring why and reminding the teacher to return. A teacher shall be regarded as being suspended until that person has been reinstated and has reported for duty. A teacher who does not report for duty at their educational institution within thirty days after receiving an inquiry and reminder notice shall be regarded as having resigned, unless their not reporting for duty was for some reason that is not attributable to that teacher.

#### Article 24

If a teacher has been dismissed, denied renewal of appointment, or suspended initiates remedy procedures in accordance with the law and the original dismissal, denial of renewal, or suspension decision has subsequently been revoked or lost its effectiveness for some other reason, unless it may impose other disciplinary sanctions in accordance with the law, the educational institution shall notify the teacher that their appointment has been reinstated, without its teacher evaluation committee having to deliberate the matter.

A teacher whose appointment has been reinstated in accordance with the provisions of the preceding paragraph shall report for duty within thirty days after they receive the reinstatement of appointment notice; a teacher who does not report for duty within this period shall be regarded as having resigned, unless their not reporting for duty was for some reason that is not attributable to that teacher.

The educational institution shall reassign teaching duties to a teacher whose appointment has been reinstated in accordance with the provisions of Paragraph 1, or the provisions of Paragraphs 2, 3, or 5 of the preceding article.

#### Article 25

A teacher who is suspended in accordance with Paragraph 1 of Article 18, or Subparagraph 2, or Subparagraph 3 of Article 21 will not have any remuneration payments made during the period of suspension.

A teacher who is suspended in accordance with Paragraph 1 of Article 21, Paragraph 1 of Article 22, or Paragraph 6 of Article 23 shall not have any remuneration payments made during the period of suspension; when the reason for the suspension ceases to exist, a teacher who has not been dismissed or had a suspension imposed as a disciplinary measure, and who has had their appointment reinstated shall be paid their full basic salary (and any seniority salary) in arrears for the period of the suspension.

A teacher who is suspended in accordance with Paragraph 2 of Article 22 shall be paid half of their basic salary (and any associated seniority salary) during the period of suspension; a teacher who has not been dismissed or had a suspension imposed as a disciplinary measure after an investigation is conducted, and who has had their appointment reinstated, shall be paid half of their basic salary (and any associated seniority salary) in arrears for the period of the suspension.

#### Article 26

When an educational institution's teacher evaluation committee, Gender Equity Education Committee, or other relevant committee formed in accordance with law passes a resolution to dismiss a teacher or deny renewal of that teacher's appointment in accordance with the provisions of Articles 14 to 16, or passes a resolution to impose a suspension on a teacher in accordance with the provisions of Article 18, unless other provisions of this Act apply, the educational institution shall report the matter to the competent authority for its approval within ten days from the day that the resolution was passed, and at the same time it shall notify the party or parties involved of its decision in writing and attach a copy of the reason.

If a teacher at a senior secondary or lower level school is involved in any situation referred to in the provisions of Articles 14 to 16, or of Article 18, and a teacher evaluation committee at the school has not been convened in accordance with regulations, or has not deliberated the case, or has not passed a resolution, when the competent authority considers that the case might involve a breach of the law, it shall give a detailed explanation of its reason and return the case to the school to deliberate or reconsider the case; if the school then fails to deliberate or reconsider the case within a specified period, the competent authority may give a detailed explanation of its reason and refer the case directly to its teachers' professional review committee to deliberate, and it may investigate which of the school's associated personnel bear responsibility.

The teachers' professional review committee referred to in the preceding paragraph shall base its resolutions on the nature of each particular case, and the proportion of the committee's members that must be in attendance at a meeting to deliberate a case and the proportion of votes that must be cast to pass a resolution shall be the same as the proportions required when a teacher evaluation committee at a school deals with a matter. Its resolutions shall be regarded as equivalent to resolutions passed by a school's teacher evaluation committee.

If a teacher at a junior college or an institution of higher education is involved in any situation referred to in Articles 14 to 16, or in Article 18, and a teacher evaluation committee at the educational institution has not been convened in accordance with regulations, or has not deliberated, or passed a resolution regarding the situation, when the competent authority considers that the case might involve a breach of the law, it shall give a detailed explanation of its reason and return the case to the educational institution to deliberate or reconsider. If the case is not duly reviewed or reconsidered within a specified period, the competent authority may investigate which of the school's associated personnel bear responsibility.

If a teacher's term of appointment expires while the person is still currently involved in disciplinary procedures that could result in their dismissal, non-renewal of appointment or suspension, the educational institution shall temporarily continue their appointment.

#### Article 27

A teacher to whom any of the situations referred to in the following subparagraphs pertains may be discharged with severance pay, after a teacher evaluation committee has reviewed the matter and given approval, and after the disciplinary measure has been reported to and approved by the competent authority:

1. There is no longer any work available for the person in their current position because of adjustments to departments, graduate institutes, sections, divisions, or courses, or because the educational institution is reducing the number of programs, suspending operations, or closes down, and there is no other suitable work to which the person can be transferred.
2. The person is unsuitable for employment in their current position and there is other suitable work to which the person can be transferred; or a hospital that meets the hospital assessment standards set by the central competent health authority has certified that the person is physically too weak to perform their work.
3. The person is subject to a guardianship or assistance order which has not been revoked.

A teacher who is eligible for retirement to whom any of the situations referred to in the preceding paragraph pertains and whose severance with pay has been approved may apply for retirement in accordance with the regulations within one month after the date their severance was determined, and the originally approved date of effect of their severance with pay shall be the date of effect of their retirement.

#### Article 28

From the date that an educational institution becomes aware of a teacher's being involved in any of the situations referred to in Paragraph 1 of Article 14 or Paragraph 1 of Article 15 onwards, the educational institution is not permitted to approve that teacher's retirement or severance with pay.

If an educational institution first becomes aware of a teacher's being involved in any of the situations referred to in Paragraph 1 of Article 14, or Paragraph 1 of Article 15 after that teacher has resigned, the educational institution shall still formally dismiss that teacher and shall undertake reporting in accordance with the provisions of Article 20.