

# **National Yunlin University of Science and Technology Guidelines for the Protection of Rights and Interests of Scholarship and Financial Aid Recipients and Part-time Assistants**

Approved at the 1st Administrative Meeting of the 2015 academic year on September 15, 2015

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I. The National Yunlin University of Science and Technology (hereinafter referred to as YunTech) has established the Guidelines for the Protection of Rights and Interests of Scholarship and Financial Aid Recipients and Part-time Assistants (hereinafter referred to as these Guidelines) in accordance with the Guiding Principles for Safeguarding the Rights and Interests of Scholarship and Financial Aid Recipients in Junior Colleges and Above, and Guiding Principles for Safeguarding the Labor Rights and Benefits of Part-time Assistants in Colleges and Above, in order to protect the rights and interests of scholarship recipients and part-time assistants.

II. The definitions of scholarship and financial aid recipients and part-time assistants referred to in these Guidelines are as follows:

(1) Scholarship and financial aid recipients: YunTech students who receive scholarships for the purpose of learning and those who have service liability. This includes research scholarship recipients, teaching scholarship recipients, and students with service liability who receive financial aid.

(2) Part-time assistants: YunTech students who have an employment relationship with YunTech, characterized by the provision of labor for remuneration and subordination.

III. YunTech students who serve as scholarship recipients participate in teaching and research activities with the primary purpose and scope of learning, or those with service liability by receipt of YunTech's disadvantaged financial aid to participate in service activities, are not considered to have a value exchange employment relationship. The scope is as follows:

(1) Scope of course learning:

1. It is part of a course, thesis research, or a graduation requirement.
2. The previous course, thesis research or graduation requirement is autonomously regulated by YunTech under the authorization of the University Act, including internship courses, field survey courses, experimental research, or other learning activities.
3. The course, thesis research, or graduation requirement should apply uniformly to domestic students, foreign students, overseas Chinese students, students from Hong Kong and Macau, or students from mainland China.
4. Complying with the previous three items, there is no provision of labor or work

fact beyond the learning activity.

(2) Service liability: YunTech allocates funds to award or subsidize students to assist disadvantaged students in their studies, and arranges for students to participate in service activities planned by the school without a value exchanging relationship.

The aforementioned scholarship recipients do not include students employed by the school, and students who are commanded and supervised by the school, and who engage in assisting research, teaching, or administrative work for the purpose of obtaining remuneration, and should be classified as part-time assistants with a value exchange employment relationship.

IV. Research scholarship recipients refer to students who receive research scholarships to publish papers, conduct research internships, courses, or meet graduation requirements, participate in research projects related to their own research or take research courses, assist in related research execution under the guidance of teachers, learn and intern research practices, with the aim of enhancing research capabilities and developing research results.

The research scholarship recipients belonging to the learning scope mentioned above should conform to the following procedures to be recognized:

(1) Consultation procedure: The unit responsible for coordinating research projects in the school invites teachers who execute the project and a certain ratio of student representatives to jointly discuss and reach a consensus, with the principle of holding a meeting once a year.

(2) Establishing basic regulations: Based on the scope and procedure of the previous item, draft and establish the requirements and basic regulations for research scholarship recipients at the university level, which will serve as the basis for the implementation by departments and project units.

(3) Written agreement: During execution, the project execution unit or teacher and the student should reach a written agreement on the learning scope under the regulations of the previous item.

V. Teaching scholarship recipients refer to students who receive teaching scholarships to participate in professional development courses that they have no choice over, or to participate in formal credit courses of the school to enhance their professional or practical abilities for teaching.

The teaching scholarship recipients belonging to the learning scope mentioned above should follow the following procedures to be recognized:

(1) Course planning meeting: It should follow the procedure of the internal course planning meeting stipulated in Article 24 of the Enforcement Rules of the University

Act.

(2) Student representative participation: The meeting procedure of the previous item should include the participation of student representatives from the school, and their ratio should not be less than one-tenth of the total number of meeting participants.

(3) Formal credit courses: The teaching internships or practical courses that students participate in should be included in the compulsory and elective courses that are officially counted for graduation credits.

(4) Guidance from instructing teachers: During the process, there should be actual guidance act from teaching or instructing teachers for student.

VI. Students with service liability refer to students who receive financial aid according to the Ministry of Education's College and University Disadvantaged Student Aid Plan, participate in service feedback activities planned by YunTech according to YunTech's Disadvantaged Student Aid Plan Implementation Guidelines, and the financial aid received and their service hours do not constitute a value exchange employment relationship.

VII. In addition to complying with YunTech's relevant regulations, the learning activities of the scope of research scholarship recipients or teaching scholarship recipients should comply with the following principles:

(1) The learning activity should be directly related to the scope defined in points IV and V as the main purpose, and should be agreed upon by the student and the instructing teacher under the guidance of the teaching or instructing teacher.

(2) YunTech should have clear corresponding courses, teaching internship activities, thesis research guidance, etc., and should clearly define and announce its related learning guidelines, evaluation methods, credit or graduation requirement calculations, and scholarship methods, etc.

(3) Teachers should display the act of guiding students to learn professional knowledge.

(4) During the period when students participate in the aforementioned learning activities, they may receive scholarships or necessary research or internship allowances or subsidies due to learning or service activities.

(5) Scholarship recipients who participate in learning activities with risks should increase their rights protection or related insurance.

During the period when various types of scholarship recipients engage in related research, teaching, or service activities, in addition to the original student group insurance, they should refer to the compensation amount for occupational accidents stipulated in the Labor Standards Act to increase their protection range through commercial insurance, and the necessary funds should be allocated by YunTech or

supported by the Ministry of Education.

VIII. The ownership of copyright for the related research results of the learning activities of research scholarship recipients or teaching scholarship recipients should be agreed upon in advance with the instructing professor, and it is recognized as follows:

(1) For research reports or theses written by master's or doctoral students, if the instructing professor only provides conceptual guidance and does not participate in the expression of the content, and the report or thesis content is written by the student himself, according to the Copyright Act, the student is the author of the report or thesis, and has copyright (including moral rights and property rights) upon completion of the thesis.

(2) For research reports or theses written by master's or doctoral students, if the instructing professor not only provides conceptual guidance, but also participates in the expression of the content and completes the report or thesis together with the student, and the creation of each person cannot be used separately, it is a joint work, and the student and the guiding professor are the joint authors of the report or thesis, and jointly have copyright. The exercise of joint copyright (including property rights and moral rights) should be agreed upon by the student and the instructing professor.

The ownership of patent rights for the related research results of the learning activities of students is in accordance with Article 5, Paragraph 2 of the Patent Act. If the student is the inventor, creator of a new type, or designer, the student has the right to apply for a patent for the research results obtained, and can apply for a patent to the competent patent authority in accordance with Paragraph 1 of the same article. However, if the instructing professor has made substantial contributions to the output of the thesis research results, the guiding professor should be listed as a co-inventor.

IX. The scope of learning activities outside of these Guidelines for scholarship recipients, where there is a fact of work for remuneration between the student and YunTech, and there is a relationship of subordination, all belong to an employment relationship. Its part-time form, including research assistants, teaching assistants, temporary workers for research projects, and other student part-time assistant workers regardless of their titles, should be managed in accordance with relevant labor regulations; if the two parties have a contractual relationship, they should be managed in accordance with relevant laws and regulations.

The principle of recognizing the employment relationship between YunTech and student part-time assistants is in accordance with the Guiding Principles for the

Safeguarding of Labor Rights and Benefits of Part-time Assistants in Colleges and Above established by the Ministry of Labor.

X. Part-time assistants should be checked for no criminal record of sexual assault, or no sexual assault, sexual harassment, sexual bullying and approved by the competent authority for dismissal or non-renewal, before they can be employed.

XI. To cooperate with labor and health insurance operations, new part-time assistants should complete the school's employment procedures three days before the date of employment and sign a labor contract.

The content of the labor contract in the previous item should include work content, contract period, work remuneration, work time, work hours, work location, rights and obligations, and other work conditions.

The same student should serve in one part-time assistant position as the principle, and cannot serve as other part-time assistant positions during the same employment period.

XII. The work remuneration of part-time assistants is negotiated between the employer and employee, but the hourly wage should not be lower than the basic wage implemented by the Executive Yuan.

XIII. The payment of wages should be paid before the 20th of each month for the previous month's wages. If it falls on a holiday, it will be postponed. If the payment is not made within the timeline due to reasons attributable to the project host, interest should be paid at an annual rate of one percent for the delay, but it is subject to the agreement with the part-time assistant or special reasons such as the funding agency has not yet approved the allocation of funds.

XIV. Work time, work hours, and work location are negotiated between the employer and employee.

If it is necessary to work overtime due to business needs, the personnel required by the project host or supervisor to work overtime should apply in advance and get the agreement of the project host or unit supervisor before working overtime.

Those who do not complete the approval procedure as required are not considered to be working overtime.

When applying for overtime as described in the previous item, and the employer and employee should negotiate to choose to take time off or receive overtime pay.

XV. Part-time assistants should take leave in accordance with the Labor Standards Act, Regulation of Leave-Taking of Workers, Act of Gender Equality in Employment, Guidelines for the Employment Part-time Workers, and YunTech's relevant regulations.

The personnel in the previous item should apply for leave or adjust work hours or shifts in advance. In case of sudden illness or emergency, they should verbally inform

their supervisor first, and then make up for the leave procedure afterwards. Their leave and attendance records are managed by the project host or their supervisor, and in accordance with the Labor Standards Act, attendance records should be kept for five years.

XVI. The related research results produced by part-time assistants assisting or participating in the execution of teacher research projects, except for other agreements between the two parties, are managed in accordance with the following provisions:

(1) Ownership of copyright: The student is the author, and YunTech enjoys the property rights of the work.

(2) Ownership of patent rights: The patent rights of the research results belong to YunTech.

XVII. The assessment, rewards, and punishments of part-time assistants are handled by the project host or their supervisor.

XVIII. YunTech should handle the addition of insurance and payment of labor pension according to the "Labor Insurance Act", "National Health Insurance Act", and "Labor Pension Act" on the day when the part-time assistant onboards.

The insurance premiums and voluntary pension contributions that the personnel in the previous item should bear themselves are deducted from their salaries by YunTech on a monthly basis.

If the first item is not managed in accordance with the regulations or the insurance premium is delayed, the costs derived or the penalties for violating the regulations, and can be attributed to the parties, the project host or related personnel should bear the liability for damages.

XIX. If a part-time assistant plans to terminate the contract before the contract expires, they should apply in accordance with the notice period stipulated in the Labor Standards Act, and can resign only after the agreement of the project host or their supervisor.

Part-time assistants who terminate the labor contract without notice and leave directly, except as otherwise provided in the Labor Standards Act, and cause damage to YunTech, shall be claimed for compensation according to law and recorded on their resignation certificate.

XX. Part-time assistants, project hosts, or their supervisors should observe the following matters during the employment period:

(1) The project host or their unit supervisor should comply with the relevant regulations on avoiding conflict of interests.

(2) Part-time assistants should attend work according to work hours and sign in and out personally. They should not leave their posts without permission without being

granted leave. Violators will be disciplined in accordance with relevant laws and regulations.

(3) Both parties should comply with the Occupational Safety and Health Act and related regulations.

(4) In the event of a natural disaster, part-time assistants who are hired by day should not be required to come to work.

(5) When the contract of a part-time assistant expires or the contract is terminated, the labor insurance, national health insurance withdrawal procedures, and stop payment of labor pension should be completed on the day of resignation. Violators who cause additional costs, depending on the responsibility, should be paid by the individual, the project host, or related personnel.

(6) Part-time assistants should comply with workplace ethics and related laws on gender equality.

XXI. In order to protect the rights and interests of student part-time assistants and fulfill management responsibilities, their tasks and responsibilities are as follows:

(1) Office of Academic Affairs: Management of learning courses.

(2) Student Affairs Office: Dispute resolution for scholarship and financial aid recipients, comprehensive tasks for teaching scholarship recipients (B0400, 0410 Graduate Student Scholarships) and financial aid students with service liability.

(3) Office of General Affairs: Regular payment of labor insurance, national health insurance, and labor pension fees.

(4) Office of Research and Development: Comprehensive tasks of research projects and part-time assistants and the appointment of members of the identity recognition dispute handling group.

(5) Information Technology Services Center: Establishment and maintenance of the information management system for part-time assistants.

(6) Environmental and Safety Technology Center: Labor occupational safety and health tasks.

(7) Teaching Excellence Center: Comprehensive tasks of teaching scholarship recipients. (Current TA)

(8) Personnel Office: Establishment and amendment of administrative rules, dispute resolution for part-time assistants, labor insurance, national health insurance, and enrollment and withdrawal of labor pension insurance.

(9) Accounting Office: Budget compilation and control.

(10) Project host or employing unit: Employment, contract signing, assessment, rewards and punishments, attendance control, application for work remuneration, allocation of labor and health insurance fees and labor pension fees borne by YunTech.

XXII. When the project host or unit employs YunTech students as part-time assistants, both parties should confirm their rights and obligations in writing as scholarship and financial aid recipients or part-time assistants (confirmation form as in Appendix 1). If the scholarship and financial aid recipients or part-time assistants does not wish to be bound by the confirmation, they can apply for review to the "National Yunlin University of Science and Technology Part-time Assistant Identity Recognition Dispute Management Group" (hereinafter referred to as the management group) within ten days.

XXIII. The management group consists of eleven members, including the Chief Secretary, a representative from the Office of Academic Affairs, a representative from the Office of Research and Development, a representative from the Student Affairs Office, a representative from the Personnel Office, three teacher representatives (including those with education or legal expertise), and three student representatives. The term of service is one year and can be reappointed, with the Chief Secretary serving as the chair.

The teacher representatives of the management group in the previous item are appointed by the Office of Research and Development to the president, the student representatives are recommended by the student union, and the remaining unit representatives are appointed by the head of the unit.

XXIV. The management group should convene a meeting within thirty days from the day after receiving the case for identity recognition dispute review, except for cases of non-acceptance or suspension of review, and should make a review report within two months from the day after receiving the review case. If necessary, it can be extended and the parties notified. The extension is limited to one time, and the should not exceed one month.

XXV. The management group should have more than half of the members present, and can start the review with the agreement of more than half of the members present. Moreover, the review result should be agreed upon by more than half of the members present.

YunTech should notify the parties and the project host (unit) in writing within ten days after the review result. Part-time assistants who are dissatisfied with the identity recognition review result and believe that their rights and interests have been damaged, can apply for mediation to the Yunlin County Government with the facts and claims.

XXVI. Scholarship and financial aid recipients who believe that their rights and interests have been damaged can file a complaint in accordance with the National Yunlin University of Science and Technology Student Complaint Management Regulations.



Part-time assistants can file a complaint in accordance with the National Yunlin University of Science and Technology Staff Complaint Review Committee Organization and Review Guidelines for disputes over the rights and adjustment items stipulated in the Act for Settlement of Labor-Management Disputes.

XXVII. When students from other schools serve as scholarship and financial aid recipients and part-time assistants at YunTech, they should comply in accordance with the provisions of these Guidelines.

XXVIII. These Guidelines shall be implemented after being approved at the Administrative Meeting and approved by the President; the same applies to amendments.