

# Key Points for Handling State Compensation Incidents

Passed on December 24, 2004, 2nd University Affairs Council Meeting of AY 2004-2005

**Article 1.** In order to fully implement state compensation laws and protect the rights of citizens, National Sun Yat-sen University (hereafter referred to as “the University”) has set these key points for handling state compensation incidents in full compliance with related national laws.

**Article 2.** In handling state compensation incidents, the University has established the State Compensation Handling Committee (hereinafter referred to as "Committee"). Half of the Committee members should have professional background in law. The makeup of members shall be as follows:

1. State Compensation Handling Committee should comprise five members; the Secretary-General of the University is ex-officio member, and should act as the Commissioner and head of the Committee.
2. The other four members of the Committee are appointed by the President. The term of the Committee members is two years, and can be extended by re-election. When a position becomes vacant in the middle of the term, another member can be appointed until the original term is fulfilled.
3. The Committee should have an Executive Secretary, appointed by the Commissioner. The role of the Executive Secretary is to integrate all business matters of the Committee. Other administrative duties are the tasks of the Office of Secretariat.

**Article 3.** The duties of the Committee are as follows:

1. To review and deliberate cases seeking state compensation.
2. To collect evidence and investigate cases seeking state compensation.
3. To hear the reports from cases seeking state compensation.
4. To confirm the cases seeking state compensation.
5. To ascertain the liability in cases seeking state compensation.
6. To handle any other reviews related to state compensation.

**Article 4.** The Committee shall hold meetings whenever necessary to handle cases seeking state compensation. The Commissioner shall act as chairperson. When the Commissioner cannot be in attendance, he/she should designate one of the members to be the acting chairperson. When necessary, the Committee may follow the requests of the claimant and invite involved parties, parties of interest, witnesses, and experts to sit in on the meetings and state their opinions.

When necessary, the Commissioner may designate one or more members to investigate the nature of the incident. The designated member needs to conduct investigations and make a report of his/her findings to the Committee.

Any Committee member, who fulfills any condition stated within Article 32 of Administrative Procedure Act, must voluntarily abstain from participating in any discussions or resolutions.

**Article 5.** When petitioner seeks state compensation, the University must ask him/her to fill out a petition for state compensation. If he/she has a proxy, then proxy authorization letter or power of attorney must be presented.

**Article 6.** When accepting the petition for state compensation, the University must stamp and seal the petition, with clear indication of date and document number, and provide a receipt.

**Article 7.** When the case seeking state compensation involves civil, criminal or administrative disputes, before its legal procedure is ascertained, the Committee may decide on a schedule of proceedings, and notify the claimant thereof. It is likewise for the continuation of the dispute.

**Article 8.** In accordance with Article 10 Item 2 of State Compensation Law, before the indicated date of agreement, the Committee must investigate into the validity of the petition. If it is determined that there is no liability, or if the statute of limitation has expired, the Committee may, without deliberation, reject the petition in writing within 30 days of accepting the petition.

**Article 9.** In addition to the previous article where compensation is denied, the Committee should speedily assign a date of agreement and notify the claimant and any organization, government worker, entity, person, and individual liable according to Article 15 Item 1 Number 16.

**Article 10.** If the claimant has been lawfully notified yet is absent on the date of agreement without providing a proper reason, the agreement is not established. However, the Committee may consider the circumstances and schedule another date for the meeting.

**Article 11.** When an agreement is made, it must be drafted and signed and sealed by all parties involved, and finally stamped with the University Seal. It should then be dispatched or mailed within 10 days as a certifiable document.

**Article 12.** When encountered with one of the following conditions, the Committee should compile a “Special Analysis Report” based on the specifics of the case, and all relevant data should be copied and reported to the Ministry of Justice and the Ministry of Education.

1. When the compensation agreed upon with the claimant exceeds NT\$10,000,000.

2. After agreement for compensation was rejected, the court ruled that compensation should be granted.

**Article 13.** The personnel in charge of state compensation cases should be awarded a reward if the success rate of their cases exceeds 1/2 of the compensation cases of that year.

**Article 14.** According to Article 2 Item 3 and Article 3 Item 2, those liable for damage shall be held accountable according to the University organizational regulations and the scope of their responsibilities. According to Article 41 of the State Compensation Law, full claims will be filed and his/her administrative liabilities will be pursued.

**Article 15.** These regulations were approved by the University Affairs Council Meeting and implemented upon the approval of the President. Any amendments to these regulations are subject to the same proceedings.

Any dispute over interpretation of these regulations shall be resolved in the court of law based on the Chinese version.