

Taiwan Foreign English Teacher Program (TFETP) Guidelines and Procedures for Handling Special Events Involving Foreign English Teaching Talent in Elementary and Junior High Schools

I. Guidelines

The Ministry of Education's K-12 Education Administration (hereinafter known as K12EA) is promoting the “Taiwan Foreign English Teacher Program (TFETP) to assist public elementary and junior high schools in bringing in foreign English teaching talent (including foreign English teachers and full-time foreign English teaching assistants, hereinafter collectively known as “foreign teaching talent”) to teach English together with domestic English teachers that enhance teaching competence of domestic co-teaching teachers, to create an English-speaking environment for students to improve their English learning and speaking skills and their overall English proficiency.

To protect the rights of these foreign teaching talent and to assist schools in offering guidance and support to them, schools should assign a supervisor and a coordinator to render support to them before they enter the school, such as assisting in the application for documents, adapting to life, designing the English version of the school calendar, etc. However, in view of the differences in the capacity of handling mechanism of local governments and the counselling and support of schools, to deepen the cooperation and mutual trust between foreign teaching talent and schools, the K12EA aims to give professional advice on the handling of special incidents involving foreign teaching talent, design a comprehensive special incident handling process, supervise the establishment of a task force by the relevant units and develop a series of forms to clarify the division of responsibilities among the various units, so as to assist schools in dealing with special events, enhance the competence of the staff concerned and foster friendly exchanges between foreign teaching talent and the schools. As a result, the K12EA formulates the "Guidelines and Procedures for Handling Special Events Involving Foreign English Teaching Talent in Elementary and Junior High Schools" (hereinafter known as “the Guidelines and Procedures”) to boost the effectiveness of “Taiwan Foreign English Teacher Program (hereinafter known as “the Program”). The Guidelines and Procedures are described below:

1. The Guidelines and Procedures are designed to assist schools under the jurisdiction of the local governments and the foreign teaching talent employed by them in dealing with specific cases of support, disputes, incompetence, gender equity, school bullying, etc.
2. Where the Guidelines and Procedures concern the relevant authorities, a dedicated unit shall be set up for the purpose of carrying out work on special incidents involving foreign teaching talent in the following manner:
 - 1) Given that foreign teaching talent are employed outside the school's staffing complement and are not subject to the Teachers' Act, and that their recruitment does not involve the procedures of the teacher evaluation committee, regulations governing the foreign teaching talent task force

have been separately laid down to take the place of the teacher evaluation committee in handling matters pertaining to special events for foreign teaching talent.

- 2) For the purpose of investigating the foreign teaching talent special incident, the school shall establish a "school task force on special events for foreign English teaching talent" (hereinafter known as school's foreign teaching talent task force): chaired by the school principal and composed of representatives from the administration, English teacher representatives, and teachers (including homeroom teachers) who do not hold a part-time administrative post, etc.; the number of teachers (including homeroom teachers) who do not hold a part-time administrative post shall not be less than 1/2 of the total number of members; the number of single-gender members shall not be less than 1/3 of the total number of members, and outside experts and academics and community members shall be recruited by the school as necessary. The list of the task force shall be submitted in writing to the education department of the local government for reference.
 - 3) The local government shall set up a "local government task force on special events for foreign English teaching talent" (hereinafter known as "local government's foreign teaching talent task force): the competent authority shall appoint an executive secretary and invite experts and academics in the relevant fields and administrative staff to be members according to the nature of the event.
 - 4) Schools shall notify the District Center commissioned by the K12EA (hereinafter known as "District Center") when filing a special incident form in writing with the local government. The District Center may be invited to assist the local government's foreign teaching talent task force in its investigations, and the District Center or the K12EA representative may be brought in to provide input when the local government offers administrative guidance.
3. The special events for foreign teaching talent are divided into three major handling procedures depending on their content nature and are described below:

1) Support:

- (1) If a foreign teaching talent finds it difficult to adjust to the new environment, such as communication, work or life and the school has failed to work out a solution, the foreign teaching talent may make a request for support, or the foreign teaching talent's supervisor, coordinator or other teachers in the school may assist in making the request upon obtaining the foreign teaching talent's consent under this procedure.
- (2) If, after an investigation by the Local government's foreign teaching talent task force and the preparation of a special incident report, the school fails to assist with and remedy the situation as stated in the foregoing report, the local government's education department shall intervene to give administrative guidance.

- (3) If the School's foreign teaching talent task force is not active in addressing a foreign teaching talent's request, the foreign teaching talent may apply for the local government to form a task force to investigate; if the local government is not active in handling the foreign teaching talent's request, the foreign teaching talent may request the assistance of the District Center.

2) Dispute and incompetency:

(1) Dispute:

- a. If a dispute arises between the school and the foreign teaching talent, such as a discrepancy in the perception of the job, the failure to perform the duties of the job, or misconduct, etc., it may be raised by the school and handled under this process. After investigation and decision by the school's foreign teaching talent task force, a warning letter shall be issued by the school based on the decision, also the school's foreign teaching talent task forces shall produce a Special Incident Report and Special Incident Form based on the results of the investigation and the case shall be reported to the local government for reference; if the dispute is not resolved, after investigation and decision by the local government's foreign teaching talent task force, a warning letter shall be issued by the school based on the decision; if the dispute remains unresolved, the local government's education department shall carry out administrative guidance or enter into the incompetency handling procedure.
- b. To safeguard the physical and psychological development of children and youths, schools are required to report and deal with incidents involving children and youths, improper discipline and unlawful punishment by foreign teaching talent in accordance with this handling procedure and the relevant provisions of the "Protection of Children and Youths Welfare and Rights Act," the "Educational Fundamental Act" and the "Notices for Schools to Enable the Guidelines for Teachers' Guidance and Discipline of Students."

(2) Incompetency:

- a. Before initiating the incompetency procedure, unless there is a specific breach of the employment contract, the event shall be dealt with under the dispute handling procedure. If the incident is not improved after the dispute handling process, or if there is a grave violation of the contract, it may be raised by the school and addressed under this handling procedure.
- b. Upon the investigation and decision by the foreign teaching talent task force of the local government, a foreign teaching talent who has committed a serious breach of the employment contract or accumulated three warning letters will be dismissed by giving an "Employment Termination Notice" by the school according to the contract.

3) Gender equity and school bullying:

- (1) Gender equity: When a foreign teaching talent is a party to an incident of sexual assault, sexual harassment, sexual bullying, sexual exploitation, or sex- or gender-related behavior that violates professional ethical standards on campus, the school shall notify and process the incident in accordance with the “Gender Equity Education Act” and this handling procedure.
 - (2) School bullying: When a foreign teaching talent is involved in an incident of school bullying, the school shall apply mutatis mutandis to the “Regulations governing the procedures for and matters related to the dismissal, non-renewal of appointment, suspension, or severance with pay of a teacher at a senior secondary or lower level school” and this handling procedure for reporting and handling the incident.
4. Where necessary for the investigation of the facts and for the protection of the rights of the parties in question, the investigation unit shall notify the parties to make statements in a manner sufficient for inspection and verification, and the notice shall specify the subject matter, time, place, interpreter, whether another person may be appointed to appear and the effect of failure to appear.
5. The investigation process of the school’s or local government’s foreign teaching talent task force shall be concluded within one month to protect the working rights of foreign teaching talent and the right to education of students.
6. If a foreign teaching talent is involved in an incident of incompetence or gender equity and bullying, and the school considers it necessary to suspend his/her employment first for investigation, the school’s foreign teaching talent task force shall deliberate and approve the suspension and issue a Notice of Mandatory Suspension of Duties (The same applies to Article 30, Paragraph 6 of the Gender Equity Education Act).
7. During the school's assistance and counselling period, if a foreign teaching talent consistently fails to make improvements based on the decision, the school may issue a warning letter and, after the dispute and incompetence incident handling procedure, the foreign teaching talent shall be deemed to be in breach of contract after accumulating three warning letters and the school shall issue an Employment Termination Notice according to the contract.
8. When a special incident is investigated by the school’s foreign teaching talent task force, the school must submit a special incident handling form in writing to the local authorities and notify the District Center.
9. The foreign teaching talent task force shall prepare a Special Incident Report for Foreign English Teaching Talent based on the results of its investigation and, upon conclusion of the case, file the report with the local government for reference and notify the District Center. If an appeal and dismissal process is instituted, the details of the appeal and dismissal and the decision adopted shall

be set out in the report. The report shall be kept by the school in a separate file for at least three years for subsequent inspection purposes.

10. All other matters not specified herein shall be governed by the relevant laws and regulations of Taiwan.

11. Refer to Figs. 1 to 3, related documents such as Table 1 and Annexes 1 to 7 for the special events handling procedures.

II. Support Handling Procedure

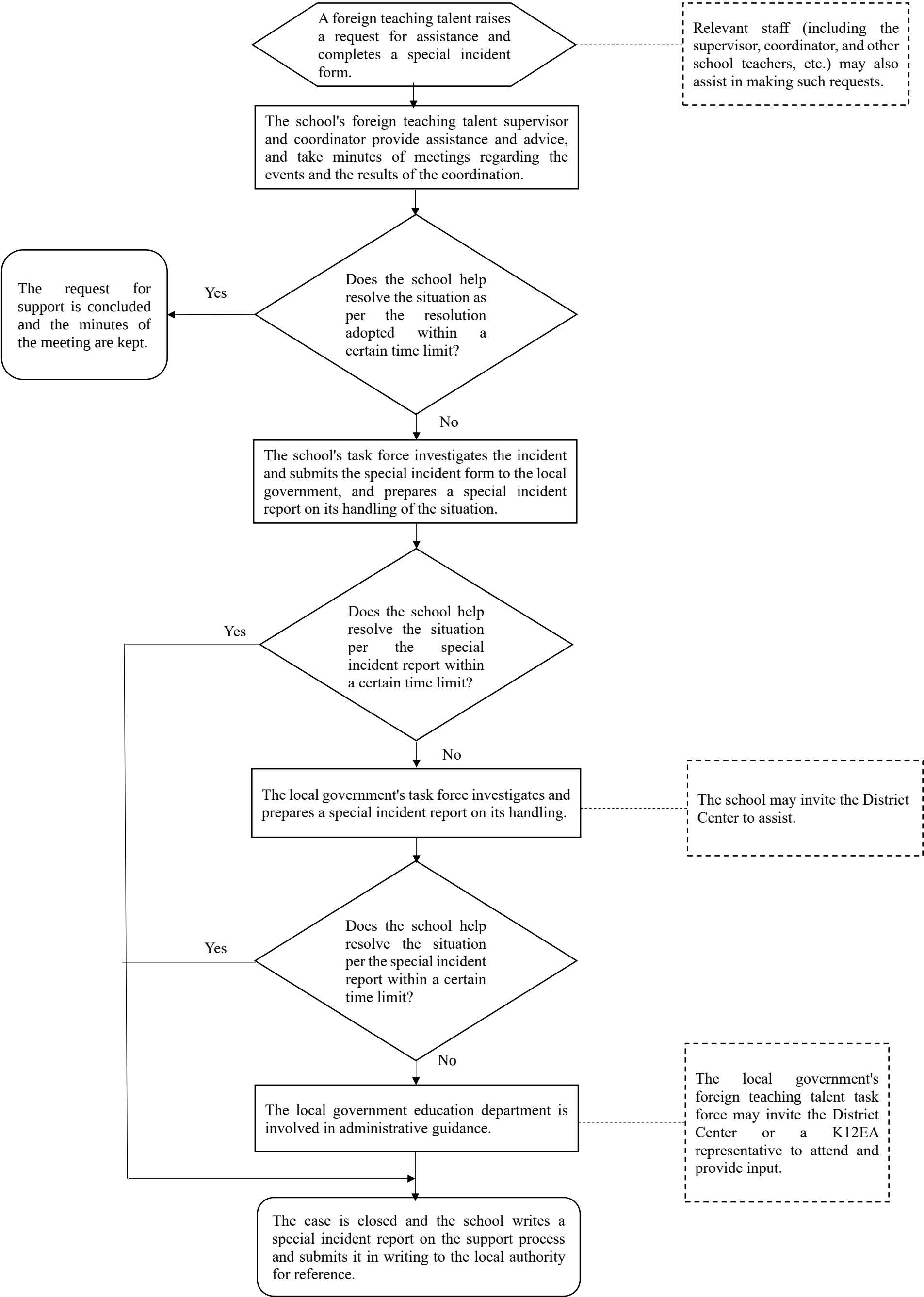


Figure 1. Support Handling Procedure

III. Dispute and Incompetency Handling Procedure

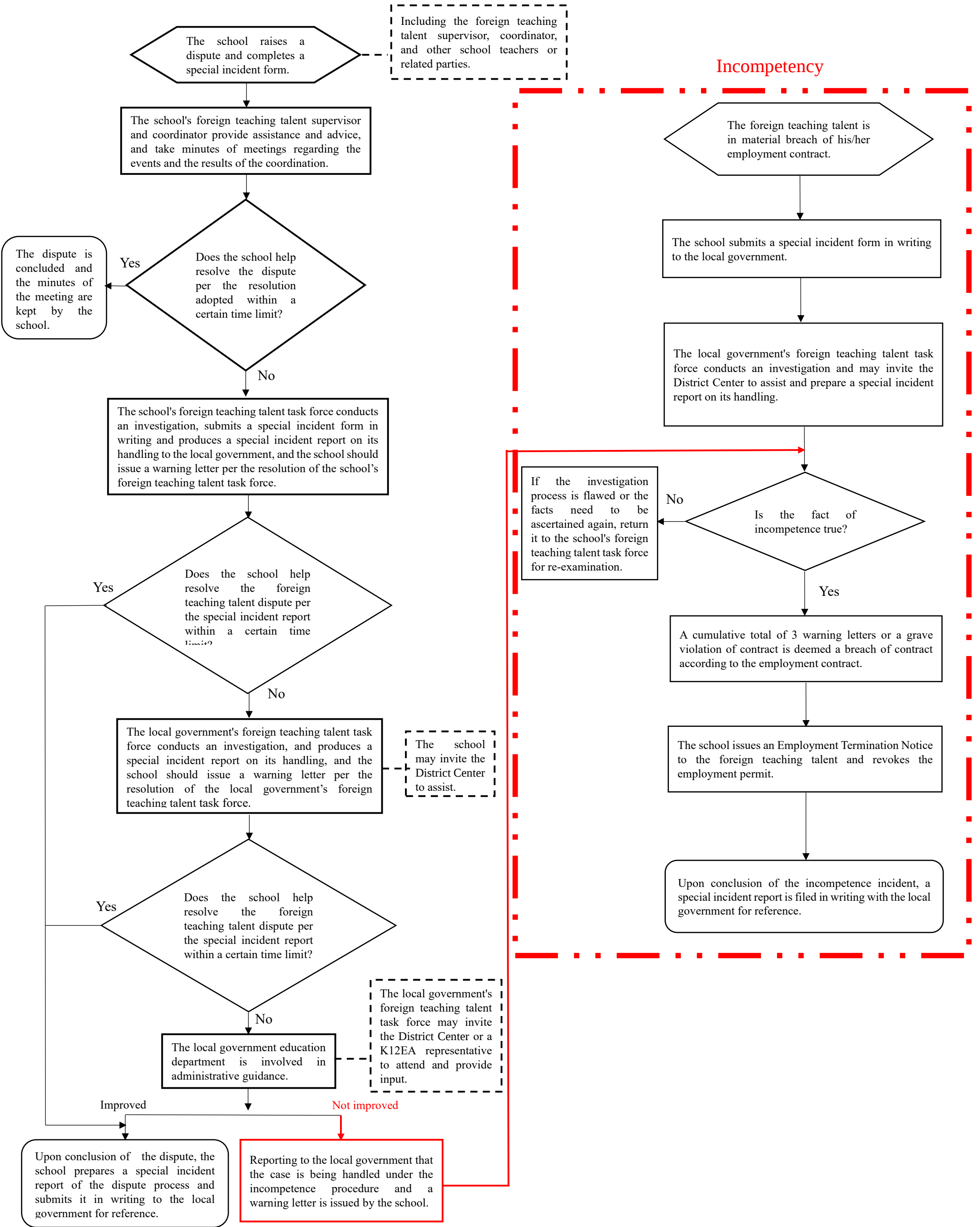


Figure 2. Dispute and Incompetency Handling Procedure

Notes:

1. When a foreign teaching talent is involved in an "incident concerning a child or youth," the school shall report and deal with the incident within 24 hours in accordance with the provisions of the "Protection of Children and Youths Welfare and Rights Act."
2. The school shall notify the Ministry of Education or the Ministry of Labor in writing to revoke the employment permit within 3 days of the issuance of an Employment Termination Notice.

IV. Gender Equity and School Bullying Handling Procedure

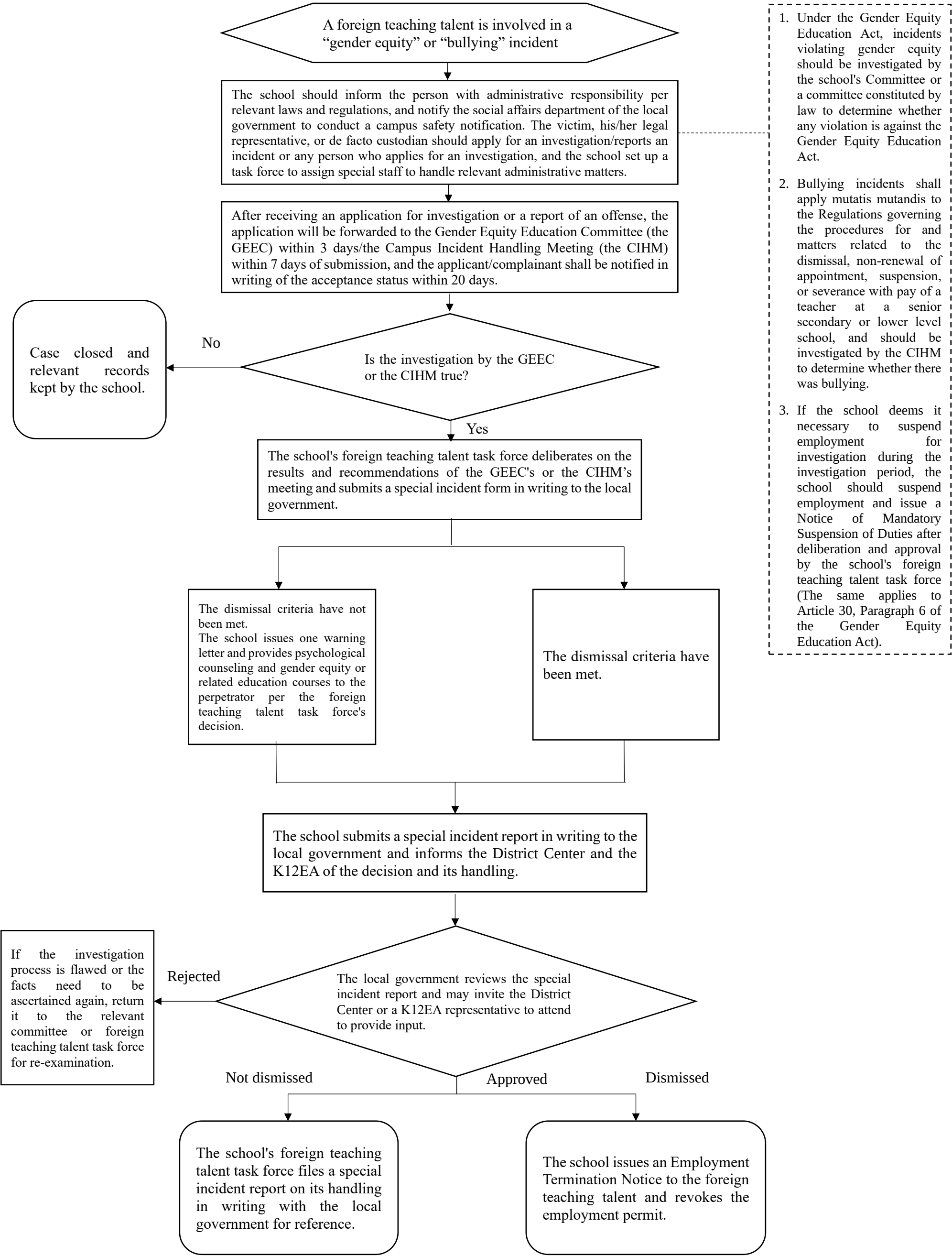


Figure 3. Gender Equity and School Bullying Handling Procedure

Notes:

1. The gender equity and school bullying incidents shall be reported and handled within the time limit specified in the law in accordance with the provisions of the “Gender Equity Education Act” and shall apply mutatis mutandis to “Regulations governing the procedures for and matters related to the dismissal, non-renewal of appointment, suspension, or severance with pay of a teacher at a senior secondary or lower level school.” During the investigation, the committee may approach the school’s foreign teaching talent task force, the local government’s foreign teaching talent task force or the District Center for assistance
2. When a foreign teaching talent is involved in the above-mentioned "gender equity incident" or "bullying incident," the school shall suspend the employment of the foreign teaching talent within one month from the date of knowledge of the incident, after deliberation and approval by the school’s foreign teaching talent task force and without the need to notify the competent authority for approval, pending further investigation (The same applies to Article 30, Paragraph 6 of the Gender Equity Education Act). After the investigation is complete by the GEEC or the CIHM, the school's foreign teaching talent task force shall deliberate in whether breach of the foreign teaching talent’s employment contract within one month.
3. When the decision to discipline the foreign teaching talent in question is made, the foreign teaching talent shall be notified that he/she has 30 days to file an appeal when the decision is submitted to the local government for approval.
4. The school shall notify the Ministry of Education or the Ministry of Labor in writing to revoke the employment permit within 3 days of the issuance of an Employment Termination Notice.

V. Forms for Special Incidents Involving Foreign Teaching Talent

Please find attached the relevant forms and documents for reference by local authorities, foreign teaching talent and schools, as shown in Table 1 and Annexes 1 to 7.

Table 1 List of forms regarding the handling of special events involving foreign teaching talent

No.	Form	Annex	Completed by	Recipient	Context	Incident Types		
						Support	Dispute/ Incompetency	Gender Equity / School Bullying
1	Special Incident Form for Foreign Teaching Talent	Annex 1	Foreign teaching talent, school (including foreign teaching talent's supervisor, coordinator, other school teachers, or related parties).	School (office of foreign teaching talent's supervisor)	When a request for support or a dispute arises, the person concerned shall complete a Special Incident Form for Foreign Teaching Talent and when the incident is under investigation, the school shall file the form in writing to the local government and inform the District Center.	V	V	V
2	Special Incident Report for Foreign Teaching Talent	Annex 2	School's foreign teaching talent task force	Local government's education department	When a special incident is under investigation, the school's and the local government's foreign teaching talent task forces shall produce a Special Incident Report for Foreign teaching talent based on the results of the investigation. Upon conclusion of the case, the report shall be submitted in writing to the local government for reference and notified to the District Center. If an appeal process is instituted, the details of the appeal and the decision adopted shall be set out in the report. The report shall be kept by the school in a separate file for at least three years for subsequent inspection purposes.	V	V	V
			Local government's foreign teaching talent task force	Local government's education department				
3	Warning Letter	Annex 3	School (foreign teaching talent supervisor office)	Foreign teaching talent, school	During the school's assistance and counselling period, if a foreign teaching talent consistently fails to make improvements based on the decision, the school may issue a warning letter. After the School's foreign teaching talent task force or the Local Government's foreign teaching talent task force has investigated and made a decision, the school will issue a warning letter based on the decision; a cumulative total of three warning letters will be considered a breach of contract.		V	V
4	Employment Termination Notice	Annex 4	School (foreign teaching talent supervisor office)	Foreign teaching talent, school	For termination of employment.		V	V
5	Notice of Mandatory Suspension of Duties	Annex 5	School (foreign teaching talent supervisor office)	Foreign teaching talent, school	Suspension of employment will be imposed if the school's foreign teaching talent task force considers it necessary to suspend employment for investigation.		V	V

附件一

外籍英語教學人員特殊事件通報表

Special Incident Form for Foreign English Teaching Talent

填表人姓名 Name (Person who fills in the form) :	填表人與當事人之關係 Relation between person who fills in the form and person involved :
學校 School :	事件發生日期 Date of incident :
當事人姓名 Name (Person Involved) :	當事人職稱 Job position :
在臺地址（居留證/身份證記載地址） Address in Taiwan :	
連絡電話 Telephone No. :	
電子信箱 E-mail :	
描述事件經過 Details of your incident :	
其他補充說明（請自行填列，若無可免填） Remark :	
填表人簽名 Signature (Person who fills in the form) :	填表日期 Date :
承辦人 Case Officer :	單位主管 Head of the Department :

※請將此表送至所屬學校，副本由當事人自行留存。

附件二

外籍英語教學人員特殊事件報告書

Special Incident Report for Foreign English Teaching Talent

壹、事件基本資料 Incident Information			
一、事件所發生之學校 School where the incident occurred :			
二、事件聯絡人 Incident Contacts :			
關係人 Related People	姓名 Name	聯絡方式 Contact	
		電話 Phone Number	電子信箱 E-mail
外籍英語教學人員 Foreign English Teaching Talent			
外籍英語教學人員之專案聯絡人 Supervisor of the Foreign English Teaching Talent			
外籍英語教學人員之輔導員 Coordinator of the Foreign English Teaching Talent			
其他校內教師 Other Teachers from the School			
其他事件關係人 Other related parties			
三、事件類型 Incident Types :			
☐ 求助事件 Support			
☐ 爭議與不適任事件 Dispute Resolution / Incompetency			
☐ 性平與霸凌事件 Gender Equity / School Bullying			

貳、事件描述 Incident Description		
一、事實陳述 Statement of Fact :		
二、調查與認定 Investigation and Identification :		
三、調查結果與違反聘僱契約處 Contradictions between the Results of the Investigation and the Content of the Employment Contract :		
四、其他說明 Other Information :		
參、相關輔導措施 Related Counseling Measures		
一、聘僱學校需調整事項 Matters that need to be adjusted by the Employing School :		
二、外籍英語教學人員需改進事項 Improvements that need to be made by the Foreign English Teaching Talent :		
三、外籍英語教學人員輔導規劃（專案小組建議含期限與檢核方式） Foreign English Teaching Talent Counselling Plan : （ ☐ 警告信開立 Warning Letter）		
肆、後續追蹤 Follow-up		
當事人 Person Involved :	承辦人 Case Officer :	單位主管 Head of the Department :

※外籍教學人員相關事件由服務學校做成報告書，並專人、專卷保管3年，俾利後續查核使用。若需函報地方政府終止聘約，請併附本報告。

附件三

警告信

Warning Letter

警告信類別 Type of Warning : ☐第 1 次警告 First Warning ☐第 2 次警告 Second Warning

致_____君

Dear _____

需要改進之處

Situation needing improvement :

實際發生情形之描述

Facts of the situation :

先前曾與外籍英語教學人員討論過的內容或指示

Previous discussions, and instructions with the foreign English teaching talent, if any, on this situation :

要求外籍英語教學人員應採取之行動

Actions to be taken :

改進之觀察期 Reasonable period of time, if appropriate, to correct the behavior :

☐2 週 two weeks ☐1 個月 one month

時程 Date (YYYY) / (MM) / (DD)~(YYYY) / (MM) / (DD) :

無法於觀察期改進之後果

Consequences for failure to correct the behavior :

將會提供之協助與支持措施

Assistance and Support Measures :

說明外籍教學人員提供書面辯護與說明之權利

Statement advising the foreign English teaching talent of the right to attach a written explanation :

此份警告信正本將由您收執，副本則交由聘僱學校保管。您有權在____年____月____日前向聘僱學校以書面方式提出異議。如在____年____月____日前未以書面方式提出異議或仍未簽署此警告信，此警告信將視為成立。

此警告信主要是希望能有機會讓您改進您的行為，並以符合期待的方式履行你的教學職責和責任。

You have the right to review this warning. A copy of this letter may be placed in your personnel file at the sole discretion of the principal. If the letter is to be placed in your file, you have the right to review and sign the filed copy (acknowledging receipt) and attach a written explanation of your behavior on or before _____(YYYY) / (MM) / (DD). If you refuse or fail to sign the copy of the letter by _____(YYYY) / (MM) / (DD), the letter will still be placed in your personnel file with an indication that you refused or failed to sign the letter.

With this letter, I am giving you an opportunity to correct your behavior and perform your teaching duties and responsibilities in an acceptable manner.

Sincerely,

Acknowledge receipt by,

校長 Principal :

當事人 Person Involved :

學校 Elementary/Junior High School :

日期 Date (YYYY) / (MM) / (DD) :

警告信

Warning Letter

警告信類別 Type of Warning : 第 3 次/最終警告信 Third/Final Warning

致_____君

Dear _____

實際發生情形之描述

Facts of the situation :

先前曾與外籍英語教學人員討論過的內容或指示

Previous discussions, and instructions with the foreign English teaching talent, if any, on this situation :

無法於改進之後果

Consequences for failure to correct the behavior :

本校將會併同先前所開立之警告單，循合約第 12.1.7 條規定：「累積 3 張警告信視為違約」與您終止聘僱關係。

The school shall be entitled to terminate your employment in accordance with Clause 12.1.7 of this agreement based on the 3 warning letters previously issued by the school to you.

說明外籍英語教學人員提供書面辯護與說明之權利

Statement advising the foreign English teaching talent of the right to attach a written explanation :

此份警告信正本將由您收執，副本則交由聘僱學校保管。您有權在_____年_____月_____日

前向聘僱學校以書面方式提出異議。如在____年____月____日前未以書面方式提出異議或仍未簽署此警告信，此警告信將視為成立。

You have the right to review this warning. A copy of this letter may be placed in your personnel file at the sole discretion of the principal. If the letter is to be placed in your file, you have the right to review and sign the filed copy (acknowledging receipt) and attach a written explanation of your behavior on or before _____(YYYY) / (MM) / (DD). If you refuse or fail to sign the copy of the letter by _____(YYYY) / (MM) / (DD), the letter will still be placed in your personnel file with an indication that you refused or failed to sign the letter.

Sincerely,

Acknowledge receipt by,

校長 Principal :

當事人 Person Involved :

學校 Elementary/Junior High School :

日期 Date (YYYY) / (MM) / (DD) :

附件四

解聘通知書

Employment Termination Notice

很遺憾通知臺端於本校聘僱期間，表現無法符合本校外籍英語教學人員工作之要求與期待，我們已盡一切可能協助您改善教學品質，經過輔導與 3 次之書面警告，您仍未改善，因此本校不得不做出解聘之決定。臺端最後的聘僱日為_____年_____月_____日，特此通知。

Dear,

Attached, please find copies all of documentation regarding your performance during (the probation period; or during your employment) at the school. We regret to inform you that after 3 written warning letters about your poor teaching quality, there has not been an acceptable improvement evidenced in your work. As we discussed on (date), you had to improve your teaching quality by (date) to justify continued employment with this school. The school has tried to work with you in every way possible to develop your teaching skills and to meet our needs. However, it has become evident that your teaching quality is not up to the standards required of our foreign English teaching talent in the position you were hired to perform. This leaves us with no choice but to tell you that your employment is terminated (**effective date**). Please return all school property to (location) before you leave the school. The last day of your employment is _____(YYYY) / (MM) / (DD).

Sincerely,

Acknowledge receipt by,

校長 Principal :

當事人 Person Involved :

學校 Elementary/Junior High School :

日期 Date (YYYY) / (MM) / (DD) :

附件五

暫時停聘通知書

Notice of Mandatory Suspension of Duties

臺端於本校聘僱期間，因涉及_____事件，經本校外籍英語教學人員特殊事件專案小組決議，暫時與您停止聘僱關係，靜待後續調查結果，停聘自_____年_____月_____日起生效，將於_____年_____月_____日前完成事件調查。停聘期間本校將會暫停您的薪資給付，但並不會註銷您的聘僱許可，因此您尚可合法於臺灣居住。

This is a notification to inform you that you have an open employment related investigation. Your work duties and salary are suspended for the duration of the investigation. Your employment permit is not affected during the investigation; therefore, you may legally remain in Taiwan. The suspension will take effect from _____(YYYY) / (MM) / (DD) and the incident investigation is scheduled to be completed before _____(YYYY) / (MM) / (DD). The school's foreign English teaching talent task force will notify you of the result and next steps. Thank you for your understanding.

Sincerely,

Acknowledge receipt by,

校長 Principal :

當事人 Person Involved :

學校 Elementary/Junior High School :

日期 Date (YYYY) / (MM) / (DD) :

解約同意書

Termination of Contract Agreement

_____（學校）、_____（外籍英語教學人員），雙方
同意自西元_____年_____月_____日（最後在職日之翌日）起，終止聘僱
關係。

This Termination of Contract Agreement (the agreement) is entered into as of this
_____(YYYY) / (MM) / (DD) by and between _____(Employer)
and _____ (Employee) .

Sincerely,

Acknowledge receipt by,

校長 Principal :

當事人 Person Involved :

學校 Elementary/Junior High School :

日期 Date (YYYY) / (MM) / (DD) :

續聘通知書

Employment Contract Renewal

本校很榮幸通知臺端，自_____學年度起，續聘您繼續擔任本校外籍英語教師/外籍英語教學助理，且自_____年_____月_____日起生效。特此通知。

Hereby we would like to inform you, after consideration of your past performance, we have decided to renew your contract to continue serve as our school's foreign English teacher/ foreign English teaching assistant, and it will take effect from _____(YYYY) / (MM) / (DD).

Sincerely,

Acknowledge receipt by,

校長 Principal :

當事人 Person Involved :

學校 Elementary/Junior High School :

日期 Date (YYYY) / (MM) / (DD) :
