

# NSTC Directions for the Recusal and Confidentiality in the Review of Awards and Grants

Amended per NSTC Letter No. 1110048674 issued on July 28, 2022

## **I. (Purpose of Formulation)**

The National Science and Technology Council (hereinafter referred to as the “Council” or “NSTC”) has formulated the Directions herein for the purpose of objectivity and impartiality in the review of awards and grants, and to establish standards of recusal and confidentiality in the review.

## **II. (Terms and Definitions)**

The “review-related personnel” refer to the reviewers of the various awards and grants applications at the Council as well as the personnel at the level of supervisor in the first-level unit or above at the Council and the relevant personnel of the units thereat that handle the review process; the “reviewers” refer to the scholars and experts who review various awards and grants applications.

## **III. (Principles to be Observed in the Review Process)**

The review-related personnel shall strive for objective, impartial, and transparent review procedures, during which they shall not accept solicitation or others asking favors to ensure the quality of the review process.

## **IV. (Prohibition of Improper Benefits)**

The review-related personnel may not leverage the review process to obtain direct or indirect improper benefits for themselves or a third party (such as requesting co-authorship, licensing, or collaborative research).

## **V. (Principle of Confidentiality)**

Without authorization, the review-related personnel may not disclose review materials, opinions, or results of review meeting discussions to a third party, or use such for purposes outside the scope of the review work.

## **VI. (Relationships for Recusal by Personnel in the Review Unit and Reviewers)**

Consideration should be given to the relevance of expertise, outstanding research performance, and any reasons for recusal in selecting reviewers.

Where a reviewer is in any of the following circumstances with the

applicant, the reviewer shall recuse themselves and shall not participate in the review, scoring, or voting:

(I) Circumstances stipulated under Article 32 of the Administrative Procedure Act:

1. Where the government officer himself or his spouse, former spouse, any of his relative by blood within the fourth degree or relative by marriage within the third degree, or a person having previously such relationship with the government officer, is a party to the matter;
2. Where the government officer himself or his spouse or former spouse is connected with the party in a relationship of joint holders of rights or co-obligors in the matter;
3. Where the government officer is currently or was once an agent for or assistant to the party in the matter; or
4. Where the government officer was once a witness or expert witness in the matter.

(II) Colleagues in the same department, institute, faculty, or unit at an equivalent level;

(III) Formal advisors or students of doctoral or master's theses;

(IV) Co-authors of a published paper or research achievement in the past two years;

(V) Co-executors of a research project in the past three years;

(VI) An employment, entrustment, or agency relationship between the reviewer and the applicant, or a related person thereof, in the past three years;

(VII) Financial transactions with prices, interest rates, and so forth that do not conform to normal and reasonable market transactions between the reviewer and the applicant, or a related party thereof, in the past three years; or

(VIII) The applicant, or a person related thereof, serving as directors, supervisors, or managers of the company where the reviewer is employed. However, this does not apply to those serving as directors or supervisors in the capacity of government-appointed representatives.

The "related person" in Subparagraphs (VI) to (VIII) of the preceding paragraph refers to the spouse or children of the applicant.

The Council may conduct a substantive review of any disputes or concerns of the reviewers regarding the circumstances of recusal as

prescribed in the Subparagraphs of Paragraph 2.

The related personnel of the review unit shall recuse themselves if they have any of the circumstances stipulated in Subparagraphs (I), (III), and (IV) in Paragraph 2.

## **VII. (Recusal for Enterprises in Industry-Academia Projects)**

The reviewers for the applications in the industry-academia category for the awards and grants of the Council, and the responsible person of the enterprises directly involved in the subsidy projects (hereinafter referred to as “the participating enterprise”), shall recuse themselves in any of the following circumstances:

(I) Circumstances stipulated under Article 32 of the Administrative Procedure Act:

1. Where the government officer himself or his spouse, former spouse, any of his relative by blood within the fourth degree or relative by marriage within the third degree, or a person having previously such relationship with the government officer, is a party to the matter;
2. Where the government officer himself or his spouse or former spouse is connected with the party in a relationship of joint holders of rights or co-obligors in the matter;
3. Where the government officer is currently or was once an agent for or assistant to the party in the matter; or
4. Where the government officer was once a witness or expert witness in the matter;

(II) Formal advisors or students of doctoral or master’s theses;

(III) Co-applicants or co-executors of another research project between the reviewer and the responsible person of the participating enterprise; or

(IV) An employment, entrustment, or agency relationship between the reviewer and the participating enterprise in the past three years.

The related personnel of the review unit, and the responsible person of the participating enterprise, shall recuse themselves in any of the circumstances stipulated in Subparagraphs (I) and (II) of the preceding paragraph.

## **VIII. (Disclosure of Recusal and Relationships with Personnel at the First-level Unit Supervisor or above)**

Personnel at the level of first-level unit supervisor or above, and the

applicant, shall recuse themselves in any of the circumstances stipulated in Subparagraph (I) of Paragraph 2, Article VI.

In principle, personnel at the level of first-level unit supervisor or above shall not recommend reviewers for the applications for awards or grants if they are in any of the circumstances stipulated in Subparagraphs (III) to (V) of Paragraph 2, Article VI with the applicant, or if they have been in the circumstances stipulated in Subparagraph (II) of Paragraph 2, Article VI in the past five years before taking office, and shall disclose the relationship(s) when recommending reviewers for the award or grant application.

**IX. (Restrictions on First-Level Unit Supervisors Applying for or Serving as Principal Investigators)**

The personnel at the level of first-level unit supervisor or above, during their tenure, may not be the principal investigators of any actively planned projects at the Council applied by the applicant institution, or be approved as principal investigators or co-investigators of any actively planned projects.

**X. (Review Principles for Participation of Personnel at the Level of First-Level Unit Supervisor or Above)**

In principle, personnel at the level of first-level unit supervisor or above shall, in principle, not proactively express opinions or actively seek awards or subsidies for the same department, institute, faculty, or unit at an equivalent level, of the colleges/universities they previously served, or the agencies (organizations) they previously worked for, in the past five years prior to their current appointment, or if they fall under the circumstances stipulated in Subparagraph (III) to (V) of Paragraph 2, Article 6; when expressing opinions proactively, they ought to disclose such relationships.

The Minister and Deputy Ministers of the Council shall not participate in the review of applications for awards or grants from parties who have the aforementioned relationships therewith.

**XI. (Mechanism for Submitting Related Applications to the Board of Forward-looking and Academic Affairs)**

In addition to review in accordance with the regulations and procedures in force, the following applications shall also be submitted to the Board of Forward-looking and Academic Affairs for discussion and adoption before submitted to the Minister for approval:

(I) Applications where a personnel at the level of first-level unit

supervisor or above applies for the subsidy amount exceeding NT\$20 million for the instruments and equipment expenditure in a single project of their original service college/university or service agency (institution), or for the subsidy amount exceeding NT\$10 million for a single project actively planned at the Council in the same year; or

- (II) Applications where a personnel at the level of supervisor or above in the unit that plans for international collaboration agreement, and the principal investigator of a project, are in any of the circumstances as stipulated in Paragraph 1 of the preceding Article.

**XII. (Review Principles for Applications by Convener, Co-Conveners, and Secondary Reviewers in Academic Disciplines)**

Any application from the convener, co-conveners, or secondary reviewers in an academic discipline shall be reviewed by a special panel formed additionally by the academic department.

**XIII. (Measures for Violation against the Directions)**

In the event of any violation against the Directions herein by the review-related personnel found by the Council, the following measures shall be taken as appropriate:

- (I) The Council shall order recusal *ex officio* in case of violation of the provisions herein pertaining to recusal .
- (II) Appropriate remedial measures shall be taken upon discovery of data leak to mitigate the damage caused by the leak in case of violation of the Principle of Confidentiality in the Directions herein.
- (III) Reviewers who violate any of the provisions of the Directions herein may be suspended from conducting reviews, and the applications they reviewed shall be re-reviewed.
- (IV) Relevant personnel of the units that handle the review process shall be subject to disciplinary action in accordance with relevant regulations, depending on the severity of the circumstances.