

REGULATION REGARDING THE OBJECTION TO APPLICATION EVALUATION PROCESSES OF PROGRAMS CARRIED OUT BY TUBITAK

SECTION ONE

Purpose, scope, basis and definitions

Purpose

ARTICLE 1- (1) (Amendment: 24/12/2019 – 15YK) The purpose of this Regulation; is to define the regulations and principles for examining, reviewing and deciding objections regarding scholarship and support programs and project support and incentive activities, the working procedures and principles regarding the formation, elements and duties of the TÜBİTAK Objection Review Commission and the TÜBİTAK Objection Evaluation Board and the application evaluation process within the scope of the programs carried out by TÜBİTAK.

Scope

ARTICLE 2- (1) (Amendment: 24/12/2019 -15YK) This Regulation covers the application, examination and evaluation processes of objections made regarding scholarship and support programs and project support and incentive activities that are carried out by TÜBİTAK.

(2) The issues listed below constitute the scope of the applications to be made based on this Regulation:

a) Objections regarding the activities and procedures carried out in the application evaluation processes of the programs carried out by TÜBİTAK.

b) Objections of referees, consultants, experts, editors, panelists, moderators, reporters, committee or board members and similar officials, excluding violations of ethical rules, involved in the application evaluation and decision making processes of the programs carried out by TÜBİTAK,

c) Other objections considered suitable by the Presidency.

(3) **(Amendment: 24/12/2019 – 15YK)** The objection applications regarding the activities and processes listed below are out of the scope of this regulation:

a) (Amendment: 24/12/2019 – 15YK) Applications regarding the application evaluation processes of scholarship and support programs and project support and incentive activities which are not carried out by TÜBİTAK.

b) (Amendment: 24/12/2019 – 15YK) Applications regarding the application evaluation processes scholarship and support programs and project support and incentive activities that has not yet concluded.

c) (Amendment: 24/12/2019 – 15YK) Applications regarding scholarsip and support programs and project incentive activities whose review process has been positivley completed.

ç) (Amendment: 24/12/2019 – 15YK) Applications regarding the scholarship and support programs and project incenive activities which are carried out according to public needs.

d) Applications regarding the decisions given by AYEK and ENDEK.

e) **(Addendum: 24/12/2019 – 15YK)** Education scholarships granted by determining support grade threshold, scholarship and support programs which are not taken into scientific evaluation or technological competence evaluation, and project support and incentive applications.

f) **(Addendum: 24/12/2019 - 15YK)** Applications regarding the evaluation process of programs carried out by more than one country and as a result of the evaluation; The project support and incentive applications found positively by TÜBİTAK but negatively by the opposing country, and the scholarship and support programs and project support and incentive applications found negatively by both TÜBİTAK and the other country.

Basis

ARTICLE (1) (Amendment: 24/12/2019 – 15YK) This 17.07.1963 dated and 278 numbered Regulation of the Scientific and Technological Research Council of Turkey, Affiliated to No. 4 to the Ministry by the Law on Related Regulations, relevant, on the Organization of other institutions and organizations with related institutions and organizations, are based on Presidential Decree.

Definitions and abbreviations

ARTICLE 4 – (1) Abbreviations in this regulations means:

- a) AYEK: TUBITAK Research and Publication Ethics Board
- b) President: TUBITAK President
- c) Presidency: TUBITAK Presidency
- ç) Applicant: **(Amendment: 24/12/2019 – 15YK)** Project coordinator, authorized real or legal person who has made an objection to concluded evaluation processes of scholarship and support programs and project support and incentive activities carried out by TÜBİTAK.
- d) Unit: **(Amendment: 24/12/2019 – 15YK)** TUBITAK Unit that evaluates the objection application regarding the scholarship and support programs and project support and incentive activities.
- e) ENDEK: TUBITAK Industrial Ethical Board.
- f) Objection: **(Amendment: 24/12/2019 – 15YK)** Objections in the scope of this regulation made to TUBIMER regarding scholarship and support programs and project support and incentive activities.
- g) Objection Application System: The online system where objection reasons and related information is entered. (<https://tubimer.tubitak.gov.tr/>)
- ğ) Objection Reason: Reason(s) indicated by the applicant in the process of objection application.
- h) Comission: TUBITAK Objection Investigation Comission.
- ı) Council: TUBITAK Objection Evaluation Council.
- i) Reason for Rejection: The reason or justifications for rejection in the result letter sent to the applicant by the relevant TÜBİTAK Unit.
- j) TÜBİMER: TUBITAK Communication Center.
- k) TUBITAK: The Scientific and Technological Research Council of Turkey.
- l) **(Addendum: 24/12/2019 – 15YK)** Administrative Board: TUBITAK Administrative Board.

SECTION TWO

Composition of the Comission, working principles and duties

Composition of the Comission

ARTICLE 5- (1) (Amendment: 24/12/2019 – 15YK) Under the condition that each member is knowledgeable and experienced in the relevant support programs, the Comission; consists of six permanent and five alternate members, one principal and alternate members to be appointed by the President and one permanent member to be determined by the President, among the Unit managers of

- a) Technology and Innovation Funding Programmes Department
- b) Academic Research Funding Program Directorate
- c) Science Fellowships and Grant Programmes Department
- ç) Science and Society Department
- d) International Cooperation Department

recommended by the Department for each quota.

(2) Comission members are selected for a period of two years. A member can be in the comission for a maximum of two terms.

(3) When deemed necessary by the President, the duties of the Commission members can be terminated by the procedure followed in their assignment before their term of office expires.

(4) The substitute member assigned to the vacant position from the permanent members for any reason, completes the remaining term of the permanent member.

Comission working principle

ARTICLE 6- (1) The President nominates one of the members as the Chair of the Comission. The Commission selects one member as the Deputy Chair. In the absence of the Commission President, the Commission is chaired by the Deputy Chair.

(2) **(Amendment: 24/12/2019 – 15YK)** The Commission gathers at least twice a month. If considered necessary, a new meeting can also be held with the call of the Comission Chair. The quorum for meeting and also the the quorum for decision is four.

(3) Those who have been in actions contrary to ethics cannot be a member of the Commission. In case such situation is detected, the membership of the Commission is terminated immediately by the decision of the President.

(4) Commission secretariat is coordinated by TUBIMER.

Duties of the Comission

ARTICLE 7- (1) The comission investigates the Objection Applications;

- a) On the basis of the 2nd, 11th, and 12th Articles of the Regulation,

b) **(Amendment: 24/12/2019 – 15YK)** in terms of compliance with the form and procedural conditions of the relevant scholarship and support programs and the project support and incentive program.

(2) As a result of the examination of the commission, the objection application is rejected or accepted and submitted to the Council for evaluation.

SECTION THREE

Composition of the Council, working principles and duties

Composition of the Council

ARTICLE 8- (1) Among the people with knowledge and experience in program evaluation processes the Board consists of 7 members; two of whom are from the representatives of Presidency, three of whom are academics, one industrialist and one lawyer.

(2) **(Amendment: 24/12/2019 – 15YK)** Council members; among a maximum of three candidates proposed by the President for each position, are elected for a period of two years by the Administrative Board. A member can be in the position for a maximum of two terms.

Working Principles of the Council

ARTICLE 9- (1) **(Amendment: 24/12/2019 – 15YK)** Administrative Board, selects one member as the chair of the Council. Council selects a Deputy Chair among its members. In the absence of the Council Chair, the Council is chaired by the Deputy Chair.

(2) **(Amendment: 24/12/2019 – 15YK)** The Board gathers at least once every month. In addition, a new meeting can be held upon the call of the Council Chair if deemed necessary. The gathering and decision quorum is four.

(3) **(Amendment: 24/12/2019 – 15YK)** Council member that will not be able to attend the meeting should express their excuse with a petition to TUBIMER. If a Council member cannot attend meetings three times in a row without an excuse or six times within twelve months from the date of their appointment, the member's membership is terminated with the decision of the Administrative Board.

(4) **(Amendment: 24/12/2019 – 15YK)** Those who have been determined to be in actions contrary to ethics can not become a member in the Council. In case such action is detected, the membership is terminated with the decision of the Administrative Board.

(5) **(Amendment: 24/12/2019 – 15YK)** The Council Chair and the members are paid honorarium in the amount determined by the Administrative Board.

(6) The Council secretariat is coordinated by TUBIMER.

Duties of the Council

ARTICLE 10- (1) **(Amendment: 24/12/2019 – 15YK)** The duty of the Council is to review the objection applications delivered by the Commission and decide whether to re-evaluate the scholarship and support programs and the project support or incentive application.

(2) As a result of the evaluation of the Council, the objection application is either rejected or accepted and the result is sent to the related Unit for re-evaluation.

(3) **(Amendment: 24/12/2019 – 15YK)** The Council does not evaluate the applications for scholarship and support programs and project support and incentive programs.

SECTION FOUR

Application period, forms and constituents of application

Application period and fee

ARTICLE 11- (1) The application period for the objection is 15 days from the notification of the process related to the subject of the objection. (written or electronic notification). If the last day of the period is a holiday, the period is extended until the end of the first business day following the holiday.

(2) **(Amendment: 24/12/2019 – 15YK)** Applications that are not submitted within this period can not be evaluated in scope of this Regulation. However, if an application cannot be made within this period due to force majeure indicated in Article 16 of this Regulation; the application can be made within 15 days from the day the force majeure has ended, under the condition that necessary evidentiary documents regarding force majeure needs to be submitted to the Commission and accepted by the Commission.

(3) **(Amendment: 24/12/2019 – 15YK)** The decision on whether there will be a fee for the objection application, and if there will be, the amount of the fee are taken by the President. If a fee is determined, the fee for each objection application needs to be paid before the application.

(4) All applications related to the process and all related notifications are made through TUBIMER.

(5) Each objection is enumerated and archived by TUBIMER. All records including the decisions are kept in this documentation.

SECTION FIVE

Comission investigation and Council evauluation

Comission Investigation

ARTICLE 13- (1) Objection of the applicant is sent by TUBIMER to the Comission.

(2) **(Amendment: 24/12/2019 – 15YK)** The Commission makes the necessary investigations through considering the status of the activity related to the objection at the time of the scholarship and support programs and the project support and incentive application.

(3) As a result of the investigation, the Commission decides on the acceptance or rejection of the objection application within 15 days at the latest from the date the application reaches the Commission.

- a) In case the application is rejected, the decision is notified to the applicant, in written or electronically, stating the reason.
- b) In case the application is accepted, the objection is sent to the Council for detailed review. This decision is also notified to the Applicant electronically or in written.
- (4) In the process of commission review, correspondence with the TÜBİTAK units and all related persons and institutions is made through the Commission Chair.

Council Review

ARTICLE 14- (1) (Amendment: 24/12/2019 – 15YK) The objection application approved by the Commission is sent to the Council and the objection application is put on the agenda by the TÜBİTAK Communication Center according to the order of arrival to the Council.

(2) A reporter is determined by the Chairman of the Council from the Council members or Council secretariat employees in order to examine the objection application.

(3) The reporter reviews the information, documents and evidences and sends the final evaluation report to the Council. If deemed necessary, electronic or written information, document and explanation regarding the objection application are requested from the relevant unit.

(4) In the scope of the evaluation, the Council takes in to account only the subjects mentioned in objection application.

(5) **(Amendment: 24/12/2019 – 15YK)** The Council takes the decision based on the activity subject to the objection application at the time of the scholarship and support programs and the project support and incentive application and within the framework of the following criterions:

a) Objection reasons should be formed referring the project application documents.

b) Objection reasons should be consistent and relevant with the reasons of rejection.

c) Objection applications should contain concrete and measurable matters.

(6) The Council should either accept or reject the application within 45 days at the latest from the date the objection application reaches the Council.

a) In case the objection is rejected, the reason of rejection is notified to the applicant in written or electronically.

b) **(Amendment: 24/12/2019 – 15YK)** In case the objection is accepted, the application subject to the objection is submitted to the relevant Unit with a Presidential Approval for the re-evaluation by stating the reason for re-evaluation. This situation is also notified to the applicant in written or electronically.

c) The relevant unit conducts the re-evaluation process by taking into account the Council's reasons for the decision.

ç) **(Amendment: 24/12/2019 – 15YK)** The relevant unit starts the evaluation process within 30 days from the date the Presidential Approval for decision is received. The decision regarding the re-evaluation result is notified to TÜBİMER and the applicant by the relevant Unit in an official letter.

d) There can not be any additional application against the re-evaluation decision of the relevant Unit.

(7) In the process of Council review, correspondence with the TÜBİTAK units and all related persons and institutions is made through the Council Chair.

SECTION SIX

Confidentiality of information and documents, force measure situations

Confidentiality of information and documents

ARTICLE 15- (1) The relevant officials are responsible for the safekeeping of the documents within the decisions of the Commission and the Council and the transaction files, except for general regulations, as they are confidential. Commission and Council members start their service after signing the confidentiality agreement prepared by TUBITAK.

(2) Examination and investigation documents that form the basis of the Commission or Council decisions, the reporter, Unit names and reports are confidential. The subjected information and documents, if requested within the framework of the Law on Right to Information dated 09/10/2003 and numbered 4982, can only be sent to the applicant without mentioning the reporter and expert names.

Force measure situations (Addendum: 24/12/2019 – 15YK)

ARTICLE 16 – (1) Situations that can be considered to be force majeure; extraordinary natural events, natural disasters such as earthquakes, fires, floods; legal strikes, lockouts, general epidemic disease, embargo and foreign restrictions, terrorist acts, sabotage, war (whether declared or not) and blockade, partial or general mobilization declaration and similar situations. For these cases to be accepted as force majeure, the force majeure must be certified by the competent/relevant authorities.

TEMPORARY ARTICLE 1-(1) Applications made and investigations conducted before the date of this regulation are outside the scope of this Regulation.

TEMPORARY ARTICLE 2-(1) Provisions contrary to this Regulation in other legislation of TUBİTAK can not be applied.

Validity

ARTICLE 17- (1) This regulation comes into force on 01 July 2017.

Execution

ARTICLE 18- (1) The President executes the provisions of this Regulation.

Accepted Administrative Board Decision	Date of Validity
Click for the Scientific Committee decision dated 03/06/2017 and numbered 267.	01/07/2017
Amended Administrative Board Decision	Date of Validity
Click for the Scientific Committee decision dated 06/01/2018 and numbered 274. Click for the text before the change.	06/01/2018
Amended Administrative Board Decision	Date of Validity
Click for the Administrative Board decision dated 24/12/2019 and numbered 15. Click for the text before the change.	24/12/2019