



**THE CHAIR OF THE RESEARCH COUNCIL OF LITHUANIA**

**ORDER  
ON THE APPROVAL OF THE REGULATION OF THE BOARD OF APPEAL FOR THE  
COMPARATIVE EXPERT ASSESSMENT OF RESEARCH AND DEVELOPMENT  
ACTIVITIES CARRIED OUT BY UNIVERSITIES AND RESEARCH INSTITUTES**

16 March 2023 No V-138

Vilnius

Pursuant to Paragraph 71 of the Regulation on Procedures for the Comparative Expert Assessment of Research and Development Activities Carried Out by Universities and Research Institutes, approved by the Order of the Chair of the Research Council of Lithuania No V-486 of 8 August 2022 “On the Adoption of the Regulation on Procedures for the Comparative Expert Assessment of Research and Development Activities Carried Out by Universities and Research Institutes” (hereinafter - the Regulation), I hereby:

1. a p p r o v e Regulation of the Board of Appeal for the Comparative Expert Assessment of Research and Development Activities Carried Out by Universities and Research Institutes (appended)

Vice-Chair

Interim Chair Ričardas Rotomskis

APPROVED  
by order of the Chair of the  
Research Council of Lithuania  
No V-138 of 16 March 2023

## **THE REGULATION OF THE BOARD OF APPEAL FOR THE COMPARATIVE EXPERT ASSESSMENT OF RESEARCH AND DEVELOPMENT ACTIVITIES CARRIED OUT BY UNIVERSITIES AND RESEARCH INSTITUTES**

### **CHAPTER I GENERAL PROVISIONS**

1. The Regulation of the Board of Appeal for the Comparative Expert Assessment of Research and Development Activities Carried Out by Universities and Research Institutes (hereinafter - the Regulation) shall determine the form of the work of the Board of Appeal for the Comparative Expert Assessment of Research and Development Activities Carried Out by Universities and Research Institutes (hereinafter - the Board of Appeal), the organisation of its meetings, the procedure for the handling of appeals, the procedure of making, formalising, and appealing against its decisions, and other matters relating to the work of the Board of Appeal.

2. The Board of Appeal shall hear appeals submitted in accordance with the grounds, time limits and procedures laid down in Chapter XIII of the Regulation on Procedures for the Comparative Expert Assessment of Research and Development Activities Carried Out by Universities and Research Institutes (hereinafter - the Regulation on Procedures).

3. The Board of Appeal shall be guided in its work by the Regulation on Procedures and the following Regulation. The terms used in the Regulation shall be the same as those used in the Regulation on Procedures.

4. The Board of Appeal shall be guided by the principles of impartiality, fairness, confidentiality, objectivity, justice and reasonableness. The members of the Board of Appeal shall be under an obligation to protect the information received in connection with the appeals under examination and not to disclose, lose or communicate it to persons not authorised to know.

5. The Board of Appeal shall be technically serviced by a civil servant or an employee of the Council with a contract of employment, appointed by order of the Chair of the Council as the Secretary of the Board of Appeal (hereinafter - the Secretary), who shall not be a member of the Board of Appeal and shall have no voting rights.

### **CHAPTER II FUNCTIONS, TASKS AND RIGHTS OF THE BOARD OF APPEAL**

6. The function of the Board of Appeal is to hear the appeal lodged by the appellant, in accordance with the procedure and within the time limits laid down in the Regulation on Procedures and the Regulation, and to give a decision which is lawful and justified.

7. The Board of Appeal shall examine and determine whether:

7.1. there were errors of fact in the justification of the assessment of the units of assessment (UoA) which may have had a decisive influence on the assessment of the UoA;

7.2. there were procedural irregularities during the expert assessment of the UoA that could have had a decisive influence on the assessment of the UoA.

8. Where the circumstances referred to in Paragraph 7.1 are confirmed, the Board of Appeal shall carry out the actions referred to in Paragraph 72.1.2 of the Regulation on Procedures; where the circumstances referred to in Paragraph 7.2 are confirmed, the Board of Appeal shall carry out the actions referred to in Paragraph 72.2.1, 72.2.2 and 72.2.3 of the Regulation on Procedures.

9. The Board of Appeal shall have the power to:

- 9.1. request and receive all necessary information and/or documents relevant to the work of the Board of Appeal;
- 9.2. determine the form and conduct of the meeting of the Board of Appeal.

### **CHAPTER III FORMATION OF THE BOARD OF APPEAL**

10. The Board of Appeal shall be formed in accordance with the procedure laid down in Paragraph 71 of the Regulation on Procedures.

11. The Board of Appeal shall be composed of 6 representatives from different research areas nominated by the Lithuanian Academy of Sciences, the Lithuanian University Rectors' Conference and the Conference of Directors of Lithuanian State Research Institutes, and one nominee appointed by the Ministry. The composition of the Board of Appeal shall be approved, and the Chair and Vice-Chair shall be appointed by the Chair of the Council.

12. The institutions referred to in Paragraph 11 of the Regulation shall submit, together with the nominations of the representatives to be nominated, the following documents and information on the nominee within the deadlines specified by the Council (a model form of the covering letter is appended):

12.1. a list of scientific publications (2018–2023);

12.2. a curriculum vitae (CV);

12.3. research area(s) of research competence, main research field(s);

12.4. a declaration of the candidate's work in the unit constituting the UoA or in the principal academic division of the institution of which the UoA forms part.

13. In the case of a Ministerial candidate who is not a researcher, only the documents referred to in Paragraph 12.2 shall be submitted.

14. The appointed member of the Board of Appeal shall sign the Pledge of the Council's Expert, the form of which is approved in the Annex to the Order of the Chair of the Council No V-42 of 29 January 2018 "On the Approval of the General Rules of the Research Council of Lithuania for the Experts and Their Activities". The aforementioned pledge shall be signed in the event that the appointed member of the Board of Appeal is not included in the Council's database of experts.

15. A member of the Board of Appeal may be removed from his/her position if he/she does not properly perform the functions laid down in the Regulation, has been found by a final decision of a competent body to have breached academic ethics or if his/her activities are incompatible with his/her duties as a member of the Board of Appeal. The decision to remove a member of the Board of Appeal from his/her position shall be taken by the Chair of the Council.

16. A member of the Board of Appeal shall have the right to resign by submitting a request to the Chair of the Council.

17. In the event of the removal or resignation of a member of the Board of Appeal, a new member of the Board of Appeal shall be appointed in accordance with the procedure laid down in the Regulation on Procedures. The Board of Appeal shall continue its work without such member until a new member (from among the candidates nominated under Paragraph 11 but not elected to the Board of Appeal) is appointed in accordance with the Regulation on Procedures.

### **CHAPTER IV ORGANISATION OF THE WORK OF THE BOARD OF APPEAL**

18. The work of the Board of Appeal shall be organised in such a way that the Board of Appeal shall examine the appeal and take its decision normally within 20 working days following the date of receipt of the appeal by the Council.

19. The Chair of the Board of Appeal shall preside over the meeting of the Board of Appeal. The Vice-Chair of the Board shall deputise for the Chair of the Board in the event of his/her temporary incapacity to perform his/her duties.

20. The Chair of the Board of Appeal shall:

20.1. organise the work of the Board of Appeal;

20.2. act on behalf of the Board of Appeal and represent it or authorise other members of the Board of Appeal to do so;

20.3. preside at meetings of the Board of Appeal;

20.4. sign documents prepared/sent by the Board of Appeal;

20.5. propose a draft decision of the Board of Appeal.

21. Members of the Board of Appeal shall:

21.1. handle appeals and, prior to the meeting, examine the documents submitted by the Secretary;

21.2. attend meetings of the Board of Appeal. If a member of the Board of Appeal is unable to attend a meeting, he/she must notify the Secretary;

21.3. prepare the recitals of the decision;

21.4. when the matter is put to the vote, shall vote on the decisions of the Board of Appeal;

21.5. carry out the instructions of the Chair of the Board of Appeal relating to the activities of the Board of Appeal.

22. The Secretary shall:

22.1. collect all necessary documents for the consideration of appeals by the Board of Appeal and submit them to the Chair of the Board of Appeal at least 4 working days before the meeting of the Board of Appeal;

22.2. in agreement with the Chair of the Board of Appeal, determine the manner, date and time of organisation of the meeting, and draw up a draft agenda;

22.3. organise the meeting of the Board of Appeal and summon the members of the Board of Appeal to the meeting;

22.4. at least 3 days prior to the meeting of the Board of Appeal, submit to the members of the Board of Appeal, by e-mail, the draft agenda for the meeting of the Board of Appeal and the material to be discussed at the meeting. If necessary, the Secretary shall provide additional material relevant to the handling of the appeal.

23. The main form of action of the Board of Appeal is the meeting. The meeting may also be organised by electronic means, using tools/applications for video conferencing.

24. A meeting of the Board of Appeal shall be valid if at least 2/3 of the members of the Board of Appeal are present, including the Chair of the Board or his/her deputy, who shall preside over the meeting.

25. Decisions of the Board of Appeal shall be taken by open vote by a simple majority of the members of the Board of Appeal present at the meeting. Each member of the Board of Appeal shall have one vote. Members of the Board of Appeal shall not be entitled to abstain. In the event of an equality of votes, the vote of the Chair of the Board of Appeal (or, in his/her absence, the Vice-Chair) shall be decisive.

26. The Board of Appeal may also hold meetings by e-mail. In this case, the Chair of the Board of Appeal (or, in his/her absence, the Vice-Chair) shall present the relevant documents to the members of the Board of Appeal and shall explain the draft decision submitted. These meetings shall be valid if at least 2/3 of all the members of the Board of Appeal have expressed an opinion within a period of time (of at least 1 working day) fixed by the Chair of the Board of Appeal (or, in his/her absence, by the Vice-Chair). In the event of disagreement, the decision shall be deemed to be adopted if at least half of the members of the Board of Appeal are in favour of it. There shall be no abstentions. In the event of an equality of votes, the vote of the Chair of the Board of Appeal (or, in his/her absence, the Vice-Chair) shall be decisive.

27. A member of the Board of Appeal (including the Chair and his/her deputy) must recuse himself/herself from the appeal under consideration if he/she has or may have a conflict of interest.

In the event of such circumstances arising, he/she must immediately inform the Chair of the Board of Appeal: in writing (by e-mail). If a conflict of interest situation arises during a meeting, verbal recusal shall be taken and the recused participant shall leave the room where the meeting is being held during the discussion of the matter or the adoption of the decision or, in the case of a meeting held remotely, shall disconnect during the discussion of the question or the adoption of the decision that gives rise to the conflict of interest or may give rise to the conflict of interest. If the Chair of the Board of Appeal has or may have a conflict of interest, he/she shall inform the Vice-Chair of the Board of Appeal and the other members of the Board of Appeal in writing (by e-mail). In the event of a situation of conflict of interest for the Chair of the Board of Appeal, he/she shall recuse orally during the meeting and the Vice-Chair shall take the duties of the Chair, and in his/her absence (or in case of recusal from the handling of the appeal) the remaining members of the Board of Appeal shall choose the Chair of the meeting for the handling of the specific appeal. The recusal of a member of the Board of Appeal shall be recorded in the minutes of the meeting. A member of the Board of Appeal who has recused himself/herself shall not take part in the deliberations and voting by e-mail on matters which constitute or may constitute a conflict of interest (the same procedure shall apply to the Chair of the Board of Appeal).

28. A member (Chair) of the Board of Appeal shall also be obliged to recuse himself/herself from the appeal in process under the following circumstances:

28.1. where an appeal against the research field of UoA under consideration is also the declared major research field or one of the major research fields of a member of the Board of Appeal;

28.2. where a member of the Board of Appeal is employed by a constituent division of the UoA or by a principal academic division of the institution of which the UoA forms part.

29. The meetings of the Board of Appeal shall be minuted. The minutes shall be prepared by the Secretary.

30. The minutes shall indicate: the manner in which the meeting was organised, the date and time of the meeting, the participants, the agenda items discussed and the decisions taken.

31. The minutes must be drawn up and signed no later than 3 working days after the decision on all appeals of the UoA group.

32. The minutes shall be signed by the Chair of the Board of Appeal, or his/her deputy if he/she presided over the meeting, and by the Secretary.

## **CHAPTER V HANDLING OF APPEAL, DECISIONS OF THE BOARD OF APPEAL**

33. An appeal received by the Council shall be registered in the document management system (DMS) and forwarded to the Secretary, who shall, as appropriate, contact the Council unit concerned with the appeal and request the data/documents relating to the appeal.

34. The Secretary shall forward the appeal received and all necessary (relevant) documents to the Chair of the Board of Appeal, who, having noted it, shall instruct the Secretary to submit the appeal and the relevant documents to the Board of Appeal.

35. If the Board of Appeal finds that:

35.1. the appeal does not comply with the requirements set out in paragraphs 69 and 70 of the Regulation on Procedures, the Secretary shall inform the appellant in writing that the appeal will not be considered by the Board of Appeal (stating the reason for non-examination and the procedure for appeal) within 3 working days from the date of the Board of Appeal assessment of the circumstances referred to in the paragraphs of the Regulation on Procedures above;

35.2. the appeal meets the requirements set out in paragraphs 69 and 70 of the Regulation on Procedures, it is submitted to the Board of Appeal for consideration on its merits.

36. After collecting the necessary data/documents relating to the appeal, the Secretary shall carry out the steps set out in paragraphs 22.1 to 22.4 of the Regulation in order to make adequate preparations for the handling of the appeal at the meeting of the Board of Appeal.

37. The Chair of the Board of Appeal (or, in his/her absence, the Vice-Chair) may instruct the Secretary to invite to the meeting the staff of the unit of the Council and/or the appellant (his/her representative) concerned by the appeal, as well as the Chair of the Expert Panel and the member(s) of the Panel.

38. At the meeting of the Board of Appeal, the material submitted for assessment shall be discussed in a collegial manner with a view to arriving at a reasoned decision of the Board of Appeal, the arguments on both sides set out in the material submitted shall be examined, and the views of the members of the Board of Appeal and, if invited, of the members of staff of the Council unit concerned and/or of the appellant/appellant's representative, of the Chair of the Expert Panel, and of the member(s) of the Panel, shall be heard.

39. The consideration of the appeal by the Board of Appeal shall be deemed to be concluded when one of the following reasoned decisions has been taken:

39.1. to uphold the appeal (in whole or in part) and, depending on the nature of the irregularity, take the action referred to in paragraphs 72.1.2 and/or 72.2.3 of the Regulation on Procedures. The decision shall indicate which errors of fact or procedural irregularities may have had a decisive influence on the assessment of the UoA;

39.2. to dismiss the appeal. The decision concludes that there were no errors of fact or procedural irregularities and sets out the reasons why the claims made in the appeal should be considered unfounded.

40. The decision shall be signed by the Chair of the Board of Appeal, or by his/her deputy if he/she presided over the meeting.

41. The decision shall be notified in writing by the Secretary to the appellant no later than the time limit laid down in Paragraph 74 of the Regulation on Procedures.

42. In the event that the appeal is upheld, the Chair of the Council and the Council unit concerned by the appeal shall be informed of the decision taken by the Board of Appeal no later than 3 working days after the date of signature of the minutes referred to in Paragraph 31 of the Regulation on Procedures.

## **CHAPTER VI FINAL PROVISIONS**

43. The decisions of the Board of Appeal shall be appealed against in accordance with the procedure laid down by the Law of the Republic of Lithuania on the Procedure for Pre-Trial Examination of Administrative Disputes to the Administrative Disputes Commission of the Republic of Lithuania, or in accordance with the procedure laid down by the Law on Administrative Proceedings of the Republic of Lithuania, to the Vilnius Regional Administrative Court, within one month from the day of receipt of the decision of the Board of Appeal.

44. The members of the Board of Appeal shall be remunerated in accordance with the Description of the Procedure for Calculating the Remuneration for the Work of Experts, approved by Order of the Chair of the Council.

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Annex to the Regulation of the Board of  
Appeal for the Comparative Expert  
Assessment of Research and Development  
Activities Carried Out by Universities and  
Research Institutes

**(form for the nomination of candidates for the Board of Appeal for the comparative expert  
assessment of research and experimental development of universities and research institutes)**

(Name of the institution submitting the letter)

To the Research Council of Lithuania (date) No

**REGARDING THE CANDIDATES FOR THE BOARD OF APPEAL**

In accordance with Paragraph 71 of the Regulation on Procedures for the Comparative Expert Assessment of Research and Development Activities Carried Out by Universities and Research Institutes, approved by the Order of the Chair of the Research Council of Lithuania No V-486 of 8 August 2022 “On the Adoption of the Regulation on Procedures for the Comparative Expert Assessment of Research and Development Activities Carried Out by Universities and Research Institutes”, we hereby nominate six candidates to the Board of Appeal for the Comparative Expert Assessment of Research and Development Activities Carried Out by Universities and Research Institutes.

APPENDED:

1. List of candidates, ... page(s).
2. Lists of candidates' scientific publications (2018–2023) and curricula vitae (CVs), ... page(s).
3. Other information considered relevant by the institution, ... page(s).

Head of the institution    signature    Name Surname

**LIST OF CANDIDATES FOR THE BOARD OF APPEAL FOR THE COMPARATIVE EXPERT ASSESSMENT OF RESEARCH AND DEVELOPMENT ACTIVITIES CARRIED OUT BY UNIVERSITIES AND RESEARCH INSTITUTES**

No	Name, surname	Abbreviation of the institution	Name of the institution's principal academic division in which the candidate works	Name of the part (if any) of the subdivision of the principal academic division of the institution where the candidate works	Unit(s) of assessment in which the candidate works	Research area(s) of research competence of the candidate	Main research field(s) of research competence of the candidate
1.							
2.							
3.							
4.							
5.							
6.							