

Informative translation:

DECISION of the SASPRO2 Programme Appeal Committee

The SASPRO2 Programme Appeal Committee assembling of prof. PhDr. Darina Malová, Ph.D., prof. RNDr. Joseph Masarik, DrSc., Doc. Ing. Maximilián Strémy, PhD., Prof. PhDr. Matus Porubjak, PhD. and JUDr. Juraj Varga, PhD., being an appealing body against the decision having been made by the SASPRO2 Programme Evaluation Committee (hereinafter refers to as “the decision”), upon the appeal filed by Dr. [REDACTED] hereinafter refers to as "the Proceeding Party"), delivered on 21st August 2021, has examined the impugned decision to its full extent, the relevant dossier and, within the prescribed deadline, at the appeal proceeding, it has decided as follows:

the decision is being annulled and the case is referred back for reconsideration

Justification

I. The facts giving rise to the Decision

1. On August 21, 2021 the Proceeding Party delivered to the Slovak Academy of Sciences an appeal against the decision having been made by the SASPRO 2 Programme Evaluation Committee, by which the Proceeding Party's application had been rejected for the SASPRO 2 scholarship Programme being implemented under the Horizon 2020 Marie Skłodowska - Curie Actions - COFUND. By filing the appeal the Proceeding Party has requested examination of the impugned decision on the basis of Proceeding Party's arguments given in his/her appeal file.
2. The Proceeding Party in item 1a) objects that evaluation (score points) being ranked to some criteria is not in compliance with the comments (evaluation) of the given criterion; while the Party refers to the contradiction of comments and evaluation in the criterion “Impact”. According to the Proceeding Party the "Impact" criterion does not include a calculation of deficiencies and still it is rated 3.50 (from possible 5). The Appeal Committee, after examining the Party 's objections and justifications for the given evaluation, concludes that the objection is well founded. The Appeal Committee hereby does not question the evaluation given, but in the absence of a proper justification for the evaluation decision in this section decision cannot be reviewable. The Appeal Committee considers that in this case it is required to supplement, add the justification for the evaluation so that the Proceeding Party has a proper useful feedback, which, ultimately, is the meaning of evaluation itself.
3. In item 1 b) of the appeal file, the Proceeding Party disputes the discrepancy between the final evaluation , which by its contents indicates the support of the submitted project, with an overall assessment rank is 3.89 (3.11 after overall consideration). The Appeal Committee, after examining the Proceeding Party's objections considers that it agrees to them. The Appeal Committee identified the discrepancy between the overall wording project evaluation and the number of points awarded. Upon the base of the available information it is not possible to examine the weaknesses of the project to which refers the overall wording evaluation.
4. In item 1c) The Proceeding Party disputes discrepancy between the conclusions about the methodology being used in criterion 1 and criterion 3, the Appeal Committee, after examining the objection states that the objection is well founded and identifies itself with the opinion about inconsistency in conclusions about the project methodology.
5. In item 1d) the Proceeding Party in the appeal file objects to the commonness of the comments contained in the evaluation and their vague causing the absence of explanations. In the opinion of the Proceeding Party the comments that contain only judgment and no explanations do not meet the criteria proposed in the SASPRO2 call to provide the right feedback on how to improve the

project proposal in order to resubmit it to the next call. The Proceeding Party refers to the SAPRO2 Guide for Applicants (page 10). The Appeal Committee examined the objections raised and identifies itself with them. Same as in item 2 of the present Decision, herein too it may identify insufficient rationale for the rating reduction in the “Excellence” criterion part.

6. In item 1e) the Proceeding Party in the appeal file objects to the incorrectness of the conclusions of the Evaluation Committee in part Criterion 3, more precisely the 2nd, 3rd and 4th sentences in the evaluation of this criterion. The Appeal Committee examined the Proceeding Party's objections and the related part of the assessment and notes the irregularities present in this part of the evaluation. In particular, the Appeal Committee states that the impugned evaluation (2nd, 3rd and 4th sentences of Criteria 3) do not reflect the demands for this part of the evaluation. The criterion 3.1. was evaluated by the Evaluation Committee and is not impugned in appeal. The criterion 3.2. was not evaluated by the Evaluation Committee, and is not impugned in appeal. The criterion 3.3. was not evaluated by the Evaluation Committee, while it is not impugned in appeal. The criterion 3.4. was evaluated by the Evaluation Committee, which is challenged by an appeal (for more details, see item 7). In the appeal filed, the Proceeding Party objects to the impugned project evaluation done by the Evaluation Committee. The Appeal Committee states that it did not address the arguments of the Proceeding Party, since they follow up the redundant evaluation of the project under criterion 3, which made the evaluation in this section confusing and ultimately incomplete.
7. In item 1f) the Proceeding Party in appeal file objects to the conclusions contained in criterion 3 on insufficient linking the theme of the research project and the host organization. He points to the attached documents to appeal, without specifying what the link under consideration is. The Appeal Committee states that, since the impugned decision contains only a brief finding of insufficient interconnection, this decision is not reviewable. It is not clear from the evaluation in question what they were based on and what considerations were guided the evaluators when making their conclusions. For those reasons, this objective is well founded.
8. In item 1g) the Proceeding Party in appeal file objects to an incorrect calculation of the obtained evaluations final average. According to the Proceeding Party, the result should be 3.90, not 3.89. The Appeal Committee examined the objections raised and found that they were unfounded. The result 3.90 could only be considered correct if it were a simple average of partial evaluations achieved. With respect that the individual criteria being considered have their assigned weight it is needed when calculating the average of the partial evaluations achieved reflect the weights assigned to those criteria. Consequently, the weighted average criterion "Excellence" 4.00 having a weight of 50%, criteria "Impact" 3.50 having a weight of 30% and criteria "Quality and Efficiency of the Implementation" 4.20 with a weight of 20% is 3.89.
9. In item 2a) the Proceeding Party in appeal file objects to the course of an interview during which the members of the Evaluation Committee asked just questions and no comments that could be considered as feedback. According to the Party, the questions were asked in a way which did not allow to understand what mistakes the project contained and how to improve them. Regarding that the Appeal Committee states that the Evaluation Committee, within the scope of its competence, ensures discussion of assessments prepared by evaluators and personal interviews with candidates. It is therefore the Evaluation Committee's exclusive role to ensure it is done properly. The Appeal Committee cannot deal with the Proceeding Party's allegations that the course of meeting of the Evaluation Committee did not meet the Party's expectations. The Appeal Committee may deal with the results being materially captured only of the evaluation process regarding the applicant's project, which in this case it did. For those reasons, the Appeal Committee considers the objections raised to be unreasonable.
10. In item 2b) the Proceeding Party in appeal file objects that the overall interview environment was

not supportive and welcoming, referring to the Code of Conduct for Reviewers and Evaluators. The Appeal Committee states that this is by nature a personal view of the Proceeding Party which cannot be investigated on the basis of the data available. Further as a negative thing the Party describes the absence of an accountable scientist who, for technical reasons failed to join the interview, and the Evaluation Committee did not respond to this absence. Regarding the temporary absence of a Scientist in Charge during its investigation, the Appeal Committee found out that the reason for the temporary absence was a technical problem on the side of this Scientist in Charge. The Appeal Committee considers that this objection of temporary absence during the interview did not and could not affect the project evaluation of the Proceeding Party. It should also be noted that none of the regulations governing the SASPRO2 Programme require mandatory presence of this scientist during the interview. For those reasons, the Appeal Committee considers the objections to be unfounded.

11. In item 2c) the Proceeding Party objects to the opinion on the analysis of gender aspects, which was expressed by one of the members of the Evaluation Committee as his/her personal opinion and not as an explanation being based on specific knowledge of the scientific context and literature. The Appeal Committee has examined the objection raised and notes that it is not logically possible to expect the Committee shall examine the individual statements made by the persons present in the interview. At the same time, the Appeal Committee must state that it is not aware of connection between the alleged negative statement and the resulting evaluation of the project. This merely emphasizes that it is not the role of the Appeal Committee to investigate objections of this type. For those reasons, the Appeal Committee considers that the objections were raised as unfounded.
12. In item 3a) the Proceeding Party objects to the ambiguity in the communication that took place between the Proceeding Party and the host institution, [REDACTED], as well as the Scientist in Charge, who should have first supported the Proceeding Party and later inform the Proceeding Party that the institution will not support grant applicants. The Appeal Committee states that it is not its role to examine the communication between the applicant and the host institution as it is in the present case. For those reasons, the Appeal Committee considers objections are unfounded.
13. In item 3b) the Proceeding Party objects to the internal inconsistency of Article 8 (p. 4). SASPRO2 Terms and Conditions. In particular, it points out that this article contains a rule that the applicant's reasons of appeal concerning scientific conclusions will not be taken into account; while elsewhere in this article it is stated that scientific conclusions will be taken into account. Regarding this objection the Appeal Committee states that it is not its task to deal with the interpretation of the provisions SASPRO2 Terms and other programme internal regulations. Nevertheless, the Appeal Committee admits the alleged inconsistency of the article in question. Ultimately, regarding this objection in order to remove any doubts the Appeal Committee assures the Proceeding Party that when judging the received appeal document the Committee did not examine the scientific conclusions contained in the impugned decision.
14. In item 3c) the Proceeding Party objects to the discrepancy in the dates for filing the appeal, namely between the information contained in the SASPRO2 programme regulations (within 10 days from delivery result) and the information delivered to the Proceeding Party by e-mail (3 days from the delivery of the result). The Appeal Committee examined the arguments of Proceeding Party and confirmed they are correct. At the same the Appeal Committee states that the mistake had no effect in judgment on the appeal process.

II. Conclusion

With respect to the above mentioned facts, the Appeal Committee has decided as set out in the statement part

of the present Decision herein.

The present Decision was taken by the Appeal Committee with a vote of 4: 1 / for: against.

III. Advice of remedies

There is no further appeal possible to raise against the present Decision.

Bratislava dated 9th October 2021

JUDr. Juraj Varga, PhD., v. r.
Chairperson of the Appeal Committee

To be sent to: [REDACTED]