Content

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Content：

Article 1 (Objectives)

The Guidelines are established by the Ministry of Science and Technology (hereinafter referred to as the "Ministry or MOST") to provide an objective and fair procedure for handling the matters pertaining to research misconduct.

Article 2 (Applicability)

The Guidelines are applicable to researchers who apply to the Ministry for, or obtain therefrom, any academic rewards, research projects, or other related subsidies.

Article 3 (Types of Research Misconduct by Researchers)

Research misconduct as defined in the Guidelines refers to any of the following behaviors of the researcher:

(1) Fabrication: Making up application materials, research data, or research results that do not exist;

(2) Falsification: Inappropriate alteration of application materials, research data, or research results;

(3) Plagiarism: Appropriation of other person’s application materials, research data, or research results without attributing to the source; Extensively citing the source improperly is considered plagiarism;

(4) Self-plagiarism: The use of one’s own work that was previously published without providing the appropriate references in a research proposal or paper;

(5) Duplicate publication: The repeated publication of materials without clear references;

(6) Ghostwriting: A research paper, project application, or report of research results is written by someone other than the named author;

(7) Illegal or inappropriate means are used to influence the review of the paper; and

(8) Other behaviors in violation of academic ethics that have been confirmed at the meeting of the Academic Ethics Review Committee of the Ministry.

Article 4 (Establishment of the Academic Ethics Review Committee)

The Ministry establishes an Academic Ethics Review Committee to review and investigate academic ethics cases.

Article 5 (Appointment of Committee Members)

The Academic Ethics Review Committee has a Convener, whose role is assumed by a Deputy Minister as designated by the MOST Minister. The Committee comprises 9 to 15 members. The Convener is an ex officio member, and the rest members are appointed by the MOST Minister from among the department heads of the Ministry, representatives of the Ministry of Education, scholars or experts, and lawyers.

The Academic Ethics Review Committee members are not salaried positions.

Article 6 (Term Appointment)

The term appointment of Academic Ethics Review Committee members is for two years and may be extended.

Where the position of any member becomes vacant during the period of his/her term, a new member shall be appointed according to the previous article and resume the position of the original member to the end of his/her appointed term.

Article 7 (Convention of the Meeting and Resolution)

Any resolution at the Academic Ethics Review Committee meeting requires at least two thirds of the members present at the meeting and at least two thirds of the present members to give their approval. Where the motion of lifelong deprivation of the privilege referred to in Article 13, Section 2 is proposed, at least three fourths of the members present at the meeting must give their approval.

The Academic Ethics Review Committee may invite the preliminary reviewers, scholars or experts, and other relevant personnel referred to in Article 9, Section 1, Clause 1 to attend Committee meeting to share their necessary comments and explanations.

Article 8 (Handling of Research Misconduct Identified Ex Officio or by Reporting)

The Ministry shall take the initiative to handle research misconduct cases identified ex officio. All cases reported to the Ministry require the use of real names and addresses and statements with documented evidence attached.

Cases that are filed anonymously will not be handled unless there is concrete subject and sufficient evidence indicated.

The reported cases that are identified as irrelevant to the Ministry's competence shall be forwarded to related responsible agencies. Where the respondent has an application being reviewed by the Ministry, it may be handled appropriately by the Ministry together with the reported case.

Article 9 (Review Procedures)

All cases pertaining to the violation of academic ethics undergo a two-stage review: preliminary review and secondary review:

(1) Preliminary review:

1) Following the initial check, academic ethics cases that require further action shall be submitted to the school, organization, or institution for investigation. The school, organization, or institution shall submit an investigation report and relevant evidence to the MOST within the

timeframe of the review.

2) Academic departments of related fields shall invite a minimum of three scholars and experts in relevant fields to form an Inquiry Panel for the purpose of giving review comments on the investigation report and relevant evidence. If necessary, the representatives of the school, organization, or institution may be asked for explanations.

3) Where a violation of academic ethics is confirmed as a result of the preliminary review by Inquiry Panel, without seriously violating the code of conduct commonly accepted by the academic community or seriously influencing the fairness of scientific review or resource allocation by the MOST, the case shall not be submitted to the Academic Ethics Review Committee for secondary review; instead it shall be handled appropriately according to the circumstances of violation.

4) Where a violation of academic ethics is confirmed as a result of the preliminary review by Inquiry Panel, and there is need to submit the case to the Academic Ethics Review Committee, the report of the preliminary review shall specify the following: detailed evidence, investigation method(s), type(s) of research misconduct, and concrete suggestion(s) for punishment or penalties.

(2) Secondary review: Where a violation of academic ethics is confirmed as a result of the preliminary review, and there is need to submit the case to the Academic Ethics Review Committee, for the further deliberation and review.

When a suspicion of violation of academic ethics is confirmed through the investigation by the school, organization, or institution, the respondent shall be given the opportunity to provide a written statement; if necessary, the respondent shall also be given the opportunity to be heard.

If a school, organization, or institution delays the proceeding of a case without a valid reason or if the investigation is incomplete, the academic departments in related fields may undertake the investigation, return the case for re-investigation, or request for supplementary information.

In accordance with Section 1, Clause 1, Item 1, the investigation report of the preliminary review shall include the following matters:

(1) Cause of action (including reported items and handling procedures);

(2) Documentation in support of respondent's defense (including official correspondence records, which shall specify whether the respondent was present for explanations);

(3) Investigation methods (including analysis software tools);

(4) Investigation results of each reported item (stating the results and the type(s) of violations involved for each reported item);

(5) Disciplinary decisions determined by the school, organization, or institution (the disciplinary decisions shall be submitted only after a violation of academic ethics is confirmed and the disciplinary decisions are made accordingly); and

(6) Other supporting evidence.

Article 10 (Principles for Determining the School, Organization, or Institution for

Case Investigation)

Cases involving the violation of academic ethics shall be investigated by the school, organization, or institution with which the respondent is affiliated at the time of applying to the Ministry for, or obtaining therefrom, any academic awards, research projects, or any other related subsidies.

If the preceding principle fails to determine the school, organization, or institution for case investigation, or the violation of academic ethics involves two or more respondents belonging to different schools, organizations, or institutions, then the following principles should prevail:

(1) The co-authors of the paper shall be listed, and the case should be investigated by the school, organization, or institution with which the corresponding author is affiliated.

(2) If multiple papers are involved, the case should be investigated by the school, organization, or institution with which the most frequently listed corresponding author is affiliated.

If a decision cannot be made according to the preceding principles, a school, organization, or institution shall be designated by the Ministry.

For the circumstances referred to in Principles (1) and (2), relevant schools, organizations, and institutions are obliged to assist the investigating school, organization, and institution in the case investigation.

Where a case is investigated ex officio or upon complaint by the relevant schools, organizations, and institutions before the Ministry designates or submits it to any school, organization, or institution for investigation, the said case shall be investigated by a joint panel formed by the relevant parties or otherwise coordinated or designated by the Ministry.

Article 11 (Timeframe of the Review)

Academic ethics cases shall be reviewed within the following timeframe:

(1) Preliminary review:

1) The school, organization, or institution shall complete the investigation within four months to be counted from the day immediately after the date of submission to the MOST. An extension may be allowed if necessary.

2) The MOST Inquiry Panel shall completepreliminary review within two months from the day immediately after the date of submission of the investigation report and related evidence by the school, organization, or institution. An extension may be allowed if necessary.

(2) Secondary review: The secondary review shall be completed within two months after the completion of the preliminary review. An extension may be allowed if necessary.

Article 12 (Disposal of Reported Cases Not Established or Subject to Other Appropriate Actions)

Where there is no definite evidence to prove a reported violation of academic ethics, or where any of the circumstances referred to in Article 9, Section 1, Clause 1, Item 3 is present, the complainant shall be informed of the investigation results in writing. The respondent and the school, organization, or institution with which the respondent is affiliated may be appropriately informed if the condition requires such an action.

Article 13 (Disciplinary Actions)

Where the violation of academic ethics is sufficiently proven through definite evidence, one or more of the following proposed disciplinary actions may be taken by the Academic Ethics Review Committee on the respondent depending on the seriousness of the research misconduct:

(1) Written warning;

(2) Suspension of the qualification of application for and execution of subsidized projects, or of application for and acceptance of awards/financial rewards for one to ten years, or lifelong deprivation of the privilege;

(3) Recovery of part or all of the subsidies, the financial rewards, scholarships, or grants; and/or

(4) Withdrawal of all the related awards that have been granted.

Article 14 (Disclosure of Information)

Where an academic ethics case is disposed of by the Academic Ethics Review Committee, the related information should be available to the public depending on the seriousness of the case; except for minor circumstances, publicity is the rule.

Minor circumstances mentioned above refer to the discipline to suspend the application for and the execution of a subsidized project; to apply for, and to receive an award/financial rewards within no more than two years, in accordance with disciplinary actions described in the Section 2 of Article 13.

Article 15 (Notification of the Punishment)

The complainant, the respondent being punished, and the school or organization/institution with which the respondent is affiliated shall be informed of the punishment in written documents, and such school or organization/institution is required to submit explanations, reviews and improvements, and report to the Ministry with a copy pertaining to the handling of the research misconduct of the respondent being punished.

Article 16 (Nondisclosure Responsibility)

The personnel who are involved in the acceptance of the complainant's reporting and participation in the investigation or review procedure shall maintain confidentiality to information that is required to be classified as confidential.

The Ministry shall take required actions to ensure nondisclosure of the real name, address, and other information that may disclose the identity of the complainant during the investigation procedure.

Where a violation of academic ethics involves public interests, the Ministry may, notwithstanding Section 1 of this Article, appropriately makes statements to the public as explanation.

Article 17 (Recusal Principles for the Members and Preliminary Review Personnel of the Academic Ethics Review Committee)

The Academic Ethics Review Committee members, the preliminary review personnel, and the respondent shall recuse themselves when any of the following occurs:

(1) Any of the following circumstances referred to in Article 32 of the Administrative Procedure Act, to wit:

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

(2) There is a co-working relationship in the same college department, institute, division, or other units;

(3) There is a former teacher-student relationship pertaining to the supervision of doctoral dissertations or master theses;

(4) There is a co-author relationship pertaining to publications of papers or research results within the last two years;

(5) There is a relationship pertaining to the co-implementation of the research project within the last three years;

(6) There is a relationship pertaining to employment, appointment, or agency within the last three years;

(7) There have been financial transactions involving prices and interest rates that have not conformed to normal and reasonable trading principles in the market in the last three years;

(8) Where the person in question serves as a board director, supervisor, or manager at an enterprise where the respondent is employed. However, it does not apply to government shareholders designated as board directors or supervisors.

Any of the Academic Ethics Review Committee members or preliminary review personnel, who has a relationship with the spouse or a child of the respondent, as referred to in the aforementioned Clauses 6 to 8, shall recuse themselves from the review.

In the event of a dispute or dissidence raised by the Committee members or preliminary review personnel on the first two items regarding the circumstances of recusal, the MOST, school, organization, or institution may make a substantive determination.

Officers in charge of the review process, who have a relationship with the respondent referred to in Items 1 and 2, shall recuse themselves from the review.

Items 1 and 2 of the recusal principles are applicable to the personnel who accept the report of misconduct or involve themselves in the investigation or disciplinary actions at the school, organization, or institution.

Article 18 (Obligation and responsibility of the subsidized school or organization/institution)

Where the school or organization/institution with which the respondent is affiliated does not cooperate in the investigation of research misconduct cases,

has serious errors in management, or otherwise acts inappropriately, the Ministry may, considering the suggestion of the Academic Ethics Review Committee, recover or decrease part or all of the subsidies of research projects granted to the school or organization/institution within a specified timeframe.

When investigating research misconduct cases, the school, organization, or institution may request assistance from other schools, organizations, and institutions.

Article 19 (Transitional Provision)

Research misconduct cases under review shall proceed as per originally stipulated procedures.

Data Source：NSTC Laws and Regulations Retrieving System