



# A guide to questions of conflicts of interest in appointment procedures at Heidelberg University

(for the attention of the members of appointment committees and external reviewers)

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## Criteria for concern about conflicts of interest

It is fundamental that not only appointment committees, with their voting members and advisors, but also external reviewers need to keep the distance to the candidates that is necessary for an objective assessment. They must neither be closely connected with the candidates' professional backgrounds nor have close connections with them in a private context.

1. **Absolute grounds for conflicts of interest** exclude the following persons from participating as members of the appointment committee or as external reviewers (§20 LVwVfG):

- a. Candidates
- b. Persons who may derive direct advantage through this activity or through the decision
- c. Relatives of candidates
- d. Persons who are gainfully employed by a candidate or by a member of the appointment committee or who work with him or her as a member of the management board, the supervisory board or a similar body
- e. Persons who, while not involved in the appointment committee, have submitted an expert opinion in the same matter.

Further:

- f. Former holders of the professorship to be filled
- g. The supervisor ("first corrector") of the candidate's doctoral dissertation or the mentor for their habilitation.

2. With respect to **relative grounds for conflicts of interest**, the issue is not whether a member of an appointment committee is actually in a conflict carrying out his or her function, or is motivated by other extraneous considerations. Instead, the aim is to counter the very impression of a lack of neutrality in exercising this function.

Consequently there have to be plausible, actually ascertainable circumstances that could cause those involved, from their standpoints, to fear that the appointment committee member is not impartial, and, in particular, cannot decide with the required distance, impartiality and objectivity, but might be guided by personal prejudices or other extraneous considerations. A negative impression, as gained by an objective observer, is sufficient.

Relative grounds for conflicts of interest that generally exclude voting members or advisors from participating in the appointment committee, and which the appointment committee will decide upon after giving the member concerned a hearing and discussing the matter in his/her absence, apply to the following situations:

- a. Close academic collaboration with the candidate within the last five years, e.g. with joint lecture courses, joint projects, or joint publications<sup>1</sup>
- b. A member of the appointment committee or a reviewer belongs – or is about to move to – the same institute at Heidelberg University, or to the same academic institution as the applicant, or vice versa
- c. Collaboration with candidates who are providing interim coverage for the vacant professorship at the same institute at which the post is to be filled, or have done so during the last five years<sup>2</sup>
- d. Serving as second corrector or general reviewer of the candidates' doctoral dissertation or habilitation within the last six years
- e. Position as subordinate staff to the candidate within the last six years
- f. Serving (past or present) in advisory bodies at the candidate's institute, e.g. academic advisory councils
- g. Candidates have written expert opinions/assessments for committee members during the last 12 months
- h. Committee members are academic staff of the same institute as the professorship to be filled; this criterion only applies if their posts are directly allocated to the professorial chair.

This is not a complete list of criteria giving cause for concern. Further grounds giving cause for doubts about impartial participation in the appointment committee must be reported (see §21 LVwVfG).

3. Further, the following points must be respected when **appointing reviewers**:

- a. Candidates cannot propose reviewers themselves.
- b. Candidates must not be requested to send the documents necessary for the expert opinion directly to the reviewer.
- c. Former external members of the appointment committee who have withdrawn on grounds of conflicts of interest or other grounds must not be engaged as reviewers.
- d. The reviewers must not be notified of the appointment committee's provisional opinion about the proposed ranking. The appointment committee has to wait until the expert opinions have been delivered and discussed before deciding on the proposal list.

## **Checking and handling conflicts of interest in appointment procedures**

The following procedure aims to exclude cases of conflicts of interest:

### **1. Checking for conflicts of interest after screening all applications**

The committee chair is required to question the committee members regarding the concern about conflicts of interest and, in order to do so, to put "checking for conflicts of interest" explicitly on the agenda of the first meeting. If members of an appointment committee notice - after all applications have come in - that there is concern about conflicts of interest based on the above-mentioned criteria, they must report this at the latest at the beginning of the committee's first meeting. On the basis of the above-mentioned criteria,

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<sup>1</sup> Joint publications are jointly written articles for journals, books, chapters of books, dictionary articles, jointly edited books or (special) numbers of journals. The following situation is not relevant here: when members of the appointment committee publish essays in a work edited by a candidate (or vice versa), and when they together sit on the editorial boards of journals.

<sup>2</sup> Collaboration in the context of coverage for a professorship refers, for example, to a joint lecture course or publication. In the case of publications by large-scale consortiums, this applies only to a limited degree. In individual cases the appointment committee should check on the extent to which the candidate actually collaborated with its member in practice, and then make a fair decision on whether it assumes possible conflicts of interest or not. The reasons for the decision must be documented. The fact of happening to belong to the same institute would in itself not be problematic.

the appointment committee will decide whether there is a case of conflicts of interest and, if so, how to proceed.

## **2. Handling conflicts of interest**

If conflicts of interest are ascertained, the committee members concerned may participate during the preliminary selection process. However, they are not allowed to give their opinions on the candidates whose applications have raised the concern about conflicts of interest. Moreover, when it comes to discussing and voting on these candidates the committee members in question must leave the meeting room and may only return after the vote has taken place.

If the candidate remains on the short list,<sup>3</sup> the member regarded as biased must be excluded from the appointment committee. The Faculty Council will, in consultation with the Rectorate, if necessary name a substitute to join the appointment committee as soon as possible as a new member (e.g. one of the deputies already named).

In the event that no experts from the relevant specialist field are available to step in, either at the national or international level, the persons regarded as biased may at most support the appointment committee in an advisory function.

Decisions taken by a minority of professors during the procedure caused by incidences of conflicts of interest can be remedied at the next meeting through endorsement by a majority of professors. This can take place either by reviving the voting right of the previously biased members after clearing up the circumstance on which the conflicts of interest were based or by admitting new professorial members to the committee. A majority of the professorial group must be secured at the latest by the final vote on the proposal list.

## **3. Checking for conflicts of interest when selecting reviewers**

The criteria for excluding conflicts of interest must be used in deliberations on selecting reviewers. The reviewers are requested to begin their expert opinions with a written declaration of impartiality towards the candidates.

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<sup>3</sup> The procedure for short-listed candidates relates to reading documents or, if this step is not applicable, to interviewing the candidates. Members declared to be biased may no longer participate in these selection processes and must leave the committee.