Rectorate guideline on Conflicts of Interest in Appointment Procedures
(Version January 2021)

Avoiding conflicts of interest and avoiding the appearance of what could be interpreted as a conflict of interest by a third party forms the basis for a fair and transparent appointment procedure. The University of Bonn reviews conflicts of interest in appointment procedures in line with §20 and §21 of the Administrative Procedure Act for the state of North Rhine-Westphalia (Verwaltungsverfahrensgesetz für Nordrhein Westfalen, VwVfG NRW) and the DFG Guidelines for Avoiding Conflicts of Interest (see §7 of appointment regulations).

At whom is the guideline directed?
The guideline is aimed at deans, chairs of appointment committees, members of appointment committees, official representatives for appointments, (deputy) gender equality commissioners and officers as well as reviewers.

Who is able to advise in case of doubt?
In case of doubt, please contact a member of staff at Section 3.1 – Professors, Appointments and Travel Expenses.

For which parties should conflict of interest reviews be performed?
Reviews should be performed for conflicts of interest with respect to candidates, not conflicts of interest between committee members.

Which criteria do apply for a conflict of interest review?
To maintain the necessary objectivity, appointment committee members and reviewers must keep the necessary distance to candidates. They must not be closely associated with the candidates, either professionally or personally.
The criteria are classified into two categories: 1) exclusion criteria and 2) criteria which require review and decisions on a case-by-case basis.

1) As a rule, the following persons are excluded from participation in the appointment committee and from acting as reviewers (in line with § 20 of VwVfG NRW):
   a. candidates
   b. persons who may have a direct (dis)advantage through the work or by the decision made
   c. candidates’ relatives
   d. committee members employed by candidates for money or who work for the candidate as a management or supervisory board member or in a similar role
   e. reviewers employed by candidates for money or who work for the candidate as a management or supervisory board member or in a similar role
   f. persons who have submitted a review on the same case in an authority other than as member of the appointment committee

Relatives as defined by §20 VwVfG NRW are: 1) fiancé(e)s; 2) spouses or registered partners; 3) direct relatives and people related by marriage, 4) siblings; 5) children of siblings; 6) spouses of siblings and siblings of spouses; 6a) registered partners of siblings and siblings of registered partners; 7) siblings of parents; 8) people in a long-term foster relationship sharing a household like parents and children (foster parents and foster children).
The listed persons are still regarded as relatives if
1. the relationship underlying the marriage or registered partnership ceased to exist (numbers 2, 3, 6 and 6a);
2. the relationship or affinity is replaced by adoption of the child (as in numbers 3 to 7); 3. a household is no longer shared, yet a personal connection similar to that of parents and children is maintained (number 8).
g. professors currently holding the position that is to be filled, provided they do not fall under § 4, para. 2 of the appointment regulations

h. persons in a dependent employment relationship (e.g. professor and member of staff) or supervisory relationship (e.g. teacher-student relationship for a doctorate or acting as reviewer during the postdoctoral phase). This applies to existing dependent employment and supervisory relationships as well as to a period of six years after the termination of the relationship.

(2) If the following criteria apply, a possible conflict of interest (§ 21 VwVfG NRW) must be reviewed on a case-by-case basis.

It is irrelevant whether a member of an appointment committee or a reviewer is in fact biased or influenced by other unrelated matters. Instead, the mere impression of work not being carried out objectively shall be prevented. Comprehensible, substantial circumstances must exist that justify the participants having doubts regarding the objectivity of the appointment committee member. A bad impression, like one that may arise in an objective observer, is sufficient.

a. close research cooperation within the last six years, e.g. joint teaching activities, implementation of joint projects and joint publications
b. affiliation with or pending transfer of an appointment committee member or reviewer to the same university institute or to the same research institution as the candidate (or vice versa)
c. direct research competition
d. ongoing or previous participation in advisory committees at the candidate’s institution, e.g. in academic advisory councils
e. participation in mutual review processes within the past 12 months
f. affiliation of academic staff to the same institute in which the professorate to be filled is based (where positions are directly linked to the professorate).

The list of criteria being a source of concern for a conflict of interest is not exhaustive. Reasons stipulated as a source of conflict of interest as per nr. 1 and 2 must be disclosed (see § 7 Para. 2 of appointment regulations).

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2 For the Faculty of Medicine, an exception can be made if the appointment is for a clinical W2-professorship (senior physician, Oberarzt). To ensure the necessary relationship of trust between a chief physician (Chefarzt, W3) and senior physician (W2), a chief physician may be an appointment committee member. Such exception is overruled by a conflict of interest as defined in letter c, which results in exclusion from the appointment committee.

3 As cooperation in projects is manifold, the matter must be disclosed and discussed with the appointment committee. Subsequently, a decision must be made as to whether a conflict of interest exists.

4 Joint publications are co-authored articles, books, book chapters, encyclopedia articles, jointly published books and unique/special editions of journals. This does not affect the set-up where appointment committee members publish essays in a piece of work issued by the candidate (or vice versa) or where cooperation takes place in editorial panels of journals. In case of a big group of co-authors, a conflict of interest depends on whether the persons in question directly worked together.
(3) For reviewer appointments, the appointment committee must adhere to the following:
   a. Applicants may not propose reviewers.
   b. Applicants should not be asked to submit paperwork necessary for the review directly to reviewers.
   c. Former appointment committee members who left the committee due to a conflict of interest or other reasons must not be consulted as reviewers.
   d. The reviewer must not obtain information on the preliminary opinion the appointment committee holds on the order of suggested candidates. The decision on the suggested order on the list shall be made by the appointment committee after receipt and discussion of the review.

What is the review process for conflicts of interest in appointment procedures and how should these be handled?

1. Conflict of interest review following evaluation of all applications:
The review to establish whether a conflict of interest exists is to be added to the agenda of the constitutive meeting and must be carried out. The appointment committee chair must explicitly point out to the committee that any reasons for a potential conflict of interest must be disclosed. Appointment committee members who realize, following review of the applications, that there is a possibility for a conflict of interest as listed in aforementioned criteria nr. 1 and 2, must add this concern to the committee’s record. Based on the aforementioned criteria, the appointment committee makes a decision on whether a conflict of interest exists and how to proceed (in case of doubt, the appointment committee chair is to contact Section 3.1).

2. Dealing with conflicts of interest among appointment committee members:
If, following the evaluation of applications, a conflict of interest is confirmed, the appointment committee member must leave the room while preselection takes place. The appointment committee then again calls for a quorum. With the quorum confirmed, the preselection goes ahead without the committee member who is in a conflict of interest.

If the application for which a conflict of interest was confirmed is not further considered in the application process, the previously excluded committee member may rejoin the appointment committee. If the conflict of interest remains after preselection, the committee member must be replaced. The excluded member must not participate in the committee meetings as a guest.

3. Conflict of interest review during the selection of reviewers:
When advising on the selection of reviewers, the criteria for excluding conflicts of interest apply. At the start of the review, reviewers must confirm in writing that no conflict of interest exists. In case of a conflict of interest, reviewers must notify the appointment committee immediately.