

Conflicts of Interest in Appointment Procedures

Handout for Appointment Committee Members

The aim of the appointment procedures at TU Darmstadt is to appoint the most suitable persons worldwide. This requires:

- Only unbiased appointment committees can appoint the best researchers for the professorships.
- Our commitment to the quality and fairness of our appointment procedures require the committee and all those involved, including reviewers:
 - Full transparency with regard to possible conflicts of interests
 - Avoid possible conflicts of interests in all decision-making situations
- An undisclosed conflict of interest can undermine the appointment procedure and harm the reputation of the individuals involved as well as that of the university.
- The appointment committees are responsible for avoiding possible conflicts of interests. They decide whether or not a conflict of interests exists.

Apparent Conflict of Interest

Disclaimer: 'Apparent' and 'actual' Conflict of Interest

'Apparent Conflict of Interest' means that a member of the appointment committee is no longer perceived as neutral and unbiased due to certain circumstances. It is therefore an **attribution of bias** that may in fact be false. For example, an 'apparent conflict of interest' applies to the first supervisor of a doctorate, even if the first supervisor would be able to make an unbiased decision years later as a member of the appointment committee.

Factual non-biasedness cannot be established beyond doubt in such cases. Rather, it must be assumed that usually **'Actual Conflicts of Interest'** are involved. In any case, the 'apparent' conflict of interest, i.e. the possibility of bias due to certain connections between two people, is sufficient to be exclude a member of the appointment committee.

Conflicts of Interest in Appointment Procedures

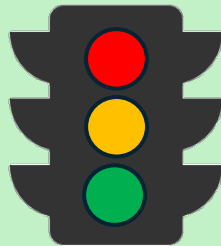
Clarification regarding the “DFG-guidelines for avoiding conflicts of interest”

- The TU Darmstadt [Guidelines for Appointment Procedures](#) refer to the [DFG-guidelines](#) with regard to conflict of interest criteria. However, TU Darmstadt defines stricter rules than the DFG for the exclusion of appointment committee members, particularly with regard to one of the most frequent apparent conflict of interest: the teacher-student relationship.
- The following summarises the how to avoid conflicts of interest at TU Darmstadt, gives examples and makes practical suggestions for dealing with an apparent conflict of interest.

Conflicts of Interest Criteria

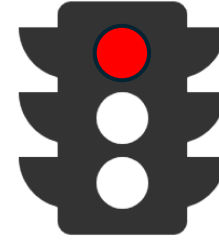
- The **obligation to fully disclose** all contacts and relationships with candidates applies to all members of the appointment committee (voting, advisory) as well as to the reviewers. Even matters that are considered 'statute-barred' (= time limited) according to DFG-guidelines or that concern topics not addressed in these guidelines must also be disclosed.
- Each identified apparent conflict of interest must be assigned to one of the three categories:

- **Exclusion Criteria**
- **Individual Case Decisions**
- **Not biased**



An apparent conflict of interest in the category '**Exclusion Criteria**' leads directly to the removal and replacement of the biased appointment committee member (exception: ABC-categorization in Selection Step 1; see slide *Criteria Application*)

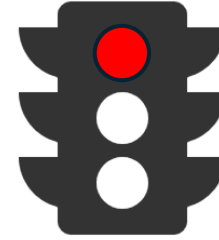
An apparent conflict of interest in the category '**Individual case decision**' requires a complete consideration of all relationships between the appointment committee member or reviewer and the applicant.



Exclusion Criteria

Unconditional exclusion is generally foreseen in the following scenarios:

- First-degree relationship (e.g., parents, children), marriage, civil partnership
 - Own economic interests in the appointment or those of the persons listed above
- Current or planned close academic collaboration
- First supervision of the doctorate or habilitation
 - TU Darmstadt guidelines set out stricter requirements than the DFG: there is no time limit for exclusion because of first supervision
 - Co-supervisor and second examiner are not an exclusion criteria per se
- Official dependency or supervisory relationship
 - In particular teacher-student relationship up to and including the postdoc phase, for example second supervision of a doctorate or habilitation as well as supervision of a master thesis) up to six years after the end of the relationship.



Exclusion Criteria

Focus: Teacher-Student Relationship

The 'teacher-student relationship' is a frequently occurring case in which TU Darmstadt sets stricter guidelines than the DFG.

It includes:

- **First supervisor of the doctorate or habilitation**
↳ Unconditional exclusion criterion without time limit for appointment committee members and reviewers
- **Other forms of teacher-student relationships** such as second supervisor of the doctorate or habilitation or supervisor of a master's or diploma thesis.
↳ Exclusion criterion up to six years after the end of supervision

The role of an '**examiner without a supervisory relationship**' is not, in itself, an exclusion criterion for any qualification work, but it must be considered as part of the overall assessment of individual case decisions!



Individual Case Decisions

Dealing with individual case decisions requires a particularly detailed consideration of all relationships between the appointment committee member or reviewer and the applicant. In the following scenarios, **Individual Case Decisions** are to be made:

- Relationships that do not constitute an unconditional reason for exclusion; other personal ties or conflicts
 - Economic interests of the persons listed above
- Scientific cooperation within the last three years, e.g. joint publications or preparations for them
- Preparation of a proposal or realization of a project with a closely related research topic (competition)
- Participation in mutual evaluations within the last 12 months

Criteria Application

Selection Step 1

ABC-Categorization

- Joint examination/discussion of all applications (usually in the appointment committee's first meeting). In this context – and only in this context – it is sufficient that all committee members with an apparent conflict of interest leave the room during the discussion of the corresponding applicant.
- A committee member with an apparent conflict of interest must be replaced only if the candidate in question remains in the appointment procedure.

Selection Step2 ff

From selection of the best to short list of candidates

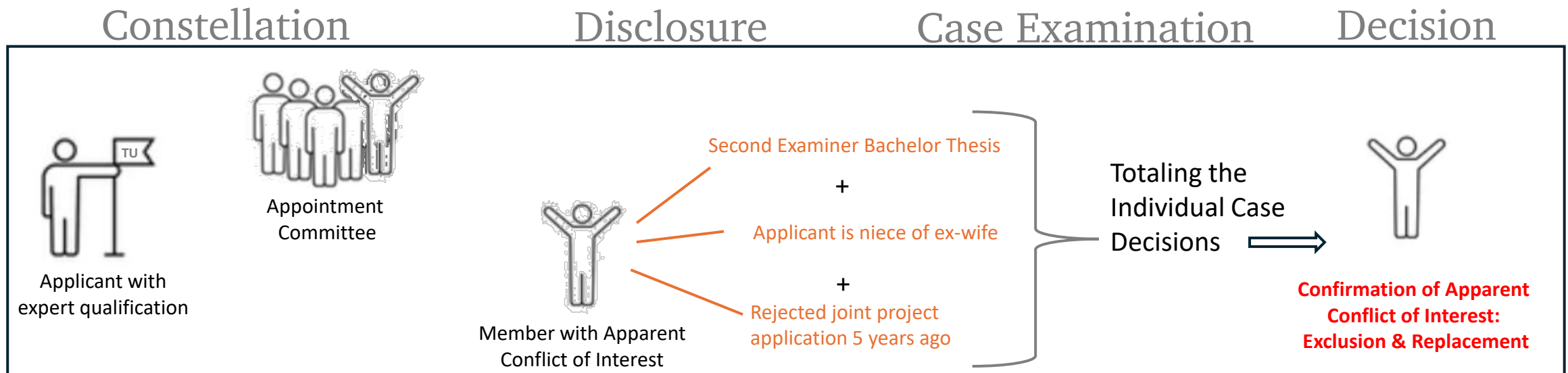
- If an apparent conflict of interest is disclosed, an exchange must take place **at any time** during the procedure (including the last meeting). If an exchange takes place too late, previously made selection decisions must be repeated.

Criteria Application: Individual Case Decision

A requirement for the assessment of an apparent conflict of Interest is the **disclosure of all contacts** between appointment committee members and applicants. This includes the consideration of scientific and personal relationships in the overall picture.

Overall picture

The **accumulation of individual case decisions** that are considered 'unbiased' can lead to an apparent conflict of interest! Facts that are considered time-barred according to TU and DFG-guidelines (or are not addressed in them at all) must still be taken into account. See, for example:



Apparent Conflict of Interest amongst reviewers

As a general rule, the same apparent conflict of interest criteria apply to external experts as to members of the appointment committee.

- **Reviewer assignment**

- The request to disclose all relationships with an apparent conflict of interest to the reviewed candidates is part of the reviewer assignment written by the appointment committee. This includes the request to begin the review with a clarification on the apparent conflict of interest. This also applies if questions from the reviewer have previously been answered by email (telephone, etc.).
- To prevent misunderstandings, it should be emphasized that a stricter approach than that outlined in the DFG-guidelines is applied. A corresponding information document for reviewers is available on the directorate IA website.

- **Notification of conflict of interest by a reviewer**

- In the event that a reviewer reports a conflict of interest, the appointment committee will review the case and decide – if necessary, in consultation with directorate IA – whether an apparent or actual conflict of interest exists.
- If a reviewer is found to be biased, a replacement reviewer must be appointed.

More examples for Apparent Conflicts of Interest

1. Committee member and applicant are first-degree relatives?
→ Exclusion and replacement
2. Committee member and applicant are in a dependent employment relationship?
→ Exclusion and replacement
3. A joint publication within the last three years?
→ Check and consider in individual case decision: are there previous joint publications or projects, joint stages in the CV, joint supervision of doctorates, how many authors did the publication have, etc.?
4. Serving together as principal investigators in a joint project?
→ Check and consider in individual case decision: Size of the collaborative project (SFB, SPP), cooperation between the sub-projects, economic advantage through appointment (e.g. further application approvals), are there additional relationships (e.g. from the past or other contexts, including private ones)?

Additional examples applicable at the TU Darmstadt are listed in the [DFG-guidelines](#) on pages 3 and 4.