

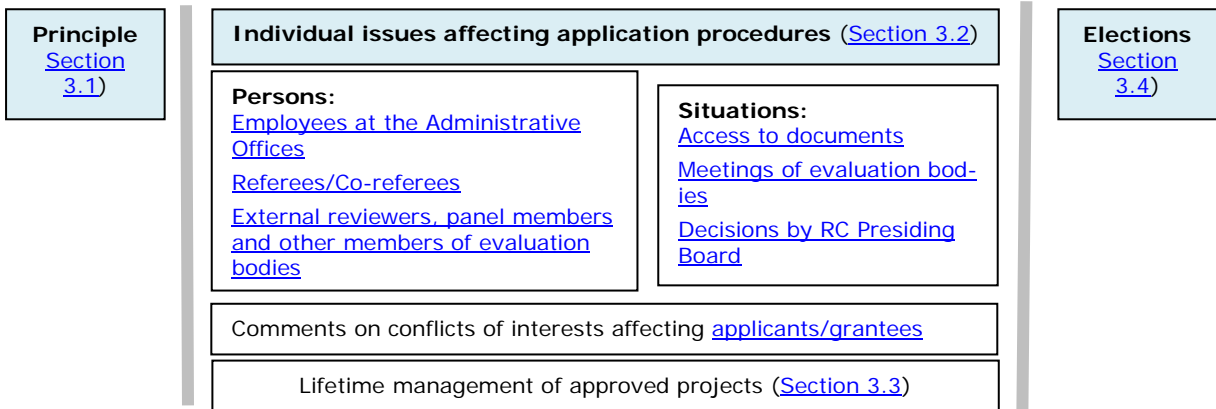
# Guidelines on the handling of conflicts of interests during the application process

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(including links to the corresponding sections of the Guidelines)

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**2. Approach to be adopted in the event of a conflict of interests ([Section 3](#))**



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## 1. Scope of these Guidelines

These Guidelines apply to all employees working in the SNSF's Administrative Offices and to all members of SNSF bodies involved in (evaluation) tasks **in the context of the application process**.

As far as the SNSF's **research commissions** are concerned, the principles relating to "same institution" do not apply insofar as the commissions must evaluate applications from their own institution (particularly fellowships for young researchers starting out in their career, where local knowledge is helpful when assessing the candidates).

## 2. When does a conflict of interests arise?

### What is a conflict of interests?

A conflict of interests arises when a person involved in a decision-making process could have a **personal, professional or financial interest, or an interest as representative of an institution, in the outcome of that decision**, specifically because the decision made could have an advantageous or disadvantageous effect on said person. The issue of **partiality** also arises. In other words, a situation can arise in which the involvement of an individual in the decision-making process is judged to be inappropriate for a particular reason.

In terms of legal practice, the mere **impression of bias and/or a conflict of interests** constitutes sufficient grounds for recusal. It is therefore not necessary to review whether the person concerned actually faces a conflict of interests. **Circumstances that, when viewed objectively, could create an impression of bias or jeopardise impartiality, are all that is required.** Assessing whether persons involved in evaluation procedures face conflicts of interests is therefore primarily carried out **from the perspective of the person affected** (e.g. applicant, candidate for a position). The grounds for recusal must however be derived from an objective consideration of the circumstances.

### In which cases does a conflict of interests arise?

Conflicts of interests may arise **with regard to all persons involved in evaluation procedures and at all stages in the procedure**. Members of the Research Council, external reviewers, panel members, employees at the Administrative Offices etc. **face a (potential) conflict of interests** if they:<sup>1</sup>

- are an applicant for the project being proposed or are named as either project partner or partner in a cooperation project (only in the case of application processes)
- currently work or will work in future in the same institute as the person concerned (or in the same or a closely associated organisational unit or in the same institution)
- have a close family or personal relationship with the person concerned (relative, spouse, partner, close friend)
- are currently, have recently been or are set to become dependent professionally on the person concerned or in professional competition with that person
- have published jointly with the person concerned during the past five years, with such publication being an expression of close cooperation (only in the case of application processes)
- could be biased for other reasons.

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<sup>1</sup> Legal basis: Article 10 of the Administrative Procedure Act (APA); cf. Article 5 of the Organisational Regulations of the National Research Council.

### Same institution

- **A conflict of interests generally exists if members of an evaluation body are drawn from the same institute** as the person concerned **or from a closely associated organisational unit**. In practice, the **size and structure of the institutions** and organisational units should be taken into account; with regard to **institutions spanning more than one institution of higher education and institutions outside of the higher education sector**, decisions should be made on a case-by-case basis: In all instances, the deciding factor is whether there is **sufficient distance** from the applicant.

### Joint publications

A conflict of interests only arises in the application process if joint publications are an **expression of close cooperation**. The following criteria are applied, with their interpretation based on the specialist field:

- Number of joint publications
- Number of authors per publication
- Type of publication

### Existence of a conflict of interests is disputed / cases of doubt

- If the **existence of a conflict of interests is disputed**, the matter is decided by the head of division (Administrative Offices) together with the President of the body to which the person affected belongs or that has appointed the person affected (RC division, specialised committee, panel etc.).
- If **the decision is not accepted by the person concerned**, the final ruling rests with the relevant division of the Research Council without the involvement of the member concerned (similar procedure for members of **other SNSF bodies**).<sup>2</sup>
- In **the event of any doubt**, it should as a general rule be decided that a conflict of interests **does exist** (the mere semblance of such a conflict is sufficient!).

## 3. Approach to be adopted in the event of a conflict of interests

### 3.1 Principles

- Dealing correctly with conflicts of interests is part of **good scientific practice**.
- Failure to deal properly with conflicts of interests is a breach of good scientific practice, and could also represent a **formal procedural error**.
- Persons affected must **themselves disclose any potential conflict of interests**.
- Persons involved in an evaluation process who face a conflict of interests must **recuse themselves**, i.e. the persons concerned must be **excluded from the entire evaluation process for the application in question**. Specifically, “recusal” means
  - both *physically leaving the room* during meetings (the persons must actually leave, non-participation in the discussion is not enough)
  - as well as *refraining from accessing documents* (no access to the application and meeting documentation etc.).
  - Special rules apply to the **Research Councillors' own applications** (or applications of members of other evaluation bodies who meet the eligibility requirements for the relevant

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<sup>2</sup> Requirements pursuant to Article 10 para. 2 of the Administrative Procedure Act (Annex).

funding scheme): such members must recuse themselves for the entire duration of the evaluation process (cf. Art. 5 para 4 Organisational Regulations of the Research Council [http://www.snf.ch/SiteCollectionDocuments/por\\_org\\_rec\\_reglement\\_e.pdf](http://www.snf.ch/SiteCollectionDocuments/por_org_rec_reglement_e.pdf)).

- The rules on handling conflicts of interests must be **consistently observed** (barring the exceptions listed), subject to consultation with the Legal department whenever cases are unclear.

## 3.2 Application process

### 3.2.1 Persons

#### **Employees at the Administrative Offices<sup>3</sup>**

Employees facing a conflict of interests must hand over the initial control and further involvement with the application to a **colleague**. They may **not access the documents** relating to the application process. For technical reasons, it is currently not possible to restrict employees' access to mySNF and GA.<sup>4</sup>

#### **Referees and co-referees**

- Applications **may not be distributed** to members of the Research Council who face a conflict of interests. Where possible, *the referee* should **not be from the same higher education institution** as the applicant (recommended best practice, but exceptions are possible in individual cases, particularly if no other suitable person is available to assume the role of referee).
- The same best practice as for referees applies to *co-referees*. In individual cases, it is possible for the rules to be handled more flexibly.
- Potential conflicts of interests should be taken into account as far as possible at the stage of election to the Research Council. **Ad hoc membership** arrangements can be put in place to bridge any personnel shortages if need be.
- If an application cannot be handled in compliance with these rules, a member from a related discipline from **a different evaluation body** at the SNSF may be invited to participate (e.g. all disciplines are represented in Division IV of the Research Council). It is also permissible to enlist the help of a suitable external expert for a specific application.
- The Administrative Offices review
  - a. whether the members of the evaluation body for an application are themselves the applicants, project partners or other parties involved in the application<sup>5</sup>,
  - b. whether they themselves have submitted an application to the SNSF,

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<sup>3</sup> This section deals with the position of employees in the application process. In accordance with the Staff Regulations, the following points must also be observed:

- **Acceptance of benefits prohibited** (Article 16 of Staff Regulations): Administrative Office employees may not submit any applications or receive any funding from the SNSF. This similarly applies if they hold a part-time post with the SNSF and wish to receive SNSF funding for an activity performed outside of the time they work for the SNSF (publication applications etc.).
- Additionally, employees may **not be involved in research projects funded by the SNSF**, even if they receive no salary for doing so. Any involvement in the form of secondary employment is also prohibited (Article 18 of Staff Regulations; no creation of any conflict of interests due to secondary employment).

<sup>4</sup> It would be possible to block access to the research funding information systems, but this would make it impossible for the employee concerned to do his or her work.

<sup>5</sup> Given that the members of the Research Council are themselves researchers, they are not barred from submitting applications during their term of office, which may last up to eight years. To avoid any acceptance of benefits, the total financial awards to current members of the Research Council are limited to a maximum of five percent of the research funding budget for a given year.

- c. whether they have published with the applicant during the past five years,
- d. whether they work at the same higher education institution or institute or in a closely associated organisational unit.
- In terms of personal relationships and professional dependencies and competition between members of the evaluation body and applicants, the process relies on Research Council members making a **self-declaration**.
- **Presentation of the results of panel evaluations to the Research Council: a special rule regarding same higher education institution or same institute applies** to referees (Division IV: RC delegates) who present the results of panel evaluations to the Research Council and submit corresponding recommendations: because the evaluation is carried out by a panel outside the Research Council, referees may submit recommendations for proposals from the same higher education institution or the same institute.

### **External reviewers, panel members and other members of evaluation bodies**

- When searching for external reviewers, the **same best practice** should generally be applied as for the [assignment of applications to referees](#). It is important to verify that external reviewers **have not submitted an SNSF proposal of their own**.
- The **Administrative Offices** also review the above points a to d. With regard to further conflicts of interests, the process again relies on **self-declaration**.
- Any **submitted reviews** with regard to which a conflict of interests exists are removed from the files.
- For the purposes of avoiding the problem areas of “same institution” and “external reviewer also being an applicant”, the SNSF strives to find **external reviewers based outside Switzerland**.
- The term “**panel**” encompasses all evaluation bodies mandated by the Presiding Board of the Research Council, by the divisions and by the specialised committees. To ensure that decision-making is impartial, panel evaluations are subject to the **same principles as apply to evaluations by the Research Council**.
  - ➔ The rules applicable to panels must also be observed by steering committees, steering boards etc. in cases where they assume **evaluation mandates** in respect of applications.

### **3.2.2 Situations**

#### **Access to application and meeting documents**

The following rules apply only to conflicts of interests of a general nature, **not** to the separately regulated case in which **an application submitted by a Research Council member is evaluated**. In the latter case, the Research Council member will be excluded from the entire evaluation round for the relevant funding scheme and will not have access to any of the evaluation documents relating to his/her application (see section 3.1 above).

- Members of evaluation bodies who face a conflict of interests have **no access to the related application and meeting documents**, either via mySNF or as hard copies. The Administrative Offices must manually block access in the form of “explicit exclusion”.
- As a general rule, having **access to the minutes** of a meeting is not problematic. At this stage in proceedings, the decision has been made, and it can no longer be influenced by members with a conflict of interests.

- **As far as the search for external reviewers is concerned**, an **exception** may be made for RC members with regard to access to the application documents: For the purpose of supporting the Administrative Offices in the **search for external reviewers with the best possible qualifications in the relevant subject area**, RC members may be granted access to the application for a **limited period of time**. This applies if a member from a completely different subject area is required to act as referee for an application but **not** in the event of a particularly severe conflict of interests where the party involved has a direct interest in the outcome of the application.

#### **Meetings of evaluation bodies**

- If the applications are being dealt with during the meeting, members of the evaluation body who face a conflict of interests **must leave the meeting room of their own accord stating the reasons for doing so**. Simply refraining from taking part in the discussion is not sufficient for the purposes of recusal.
- These rules also apply in cases where recusal from the meeting creates **problems in terms of the quorum**. In such cases the decision will have to be postponed or taken by means of a circular letter.
- Preparation of **overviews of imminent recusals** by the Administrative Offices for the body's chairperson. Ideally, the chairperson should read out the list at the start of discussions on the application in order to ensure that recusals are neither forgotten nor ignored. However, should a member **forget to recuse himself/herself from the meeting**, the chairperson and, if necessary, the responsible employee from the Administrative Offices should remind the person concerned of his/her obligation.
- Recusals are noted in the **minutes of the meeting**.
- Adherence to the recusal rules is particularly important in relation to **interviews with candidates**. The presence of one or more individuals may have a significant impact on the performance of a candidate. If possible, the candidates should be told in advance the names of the members of the evaluation body who will be present so that they can indicate any conflicts of interests prior to the interview.
- The recusal rules apply to **all participants at meetings**: To members of the Research Council, other members of the evaluation bodies and employees from the Administrative Offices, as well as to the chair. If the **chairperson** is required to recuse himself/herself, another member of the evaluation body will chair the meeting instead (generally the vice president).

#### **Specific rules regarding comparative final discussions/meetings**

During comparative final discussions/meetings (= **departure from the principle**), panel members and/or RC members with grounds to recuse themselves will also be present (collective responsibility of the body). They will be entitled to vote on the approvals list for the next higher hierarchical body but not during the discussion and rating of individual applications affected by a conflict of interests.

#### **Decisions by the Research Council Presiding Board**

- **Global approvals**: Given that approvals by the Presiding Board of the Research Council are not part of the evaluation and are global in scope, no special rules apply to conflicts of interests as a general rule. Efforts must be made to ensure, however, that members of the Presiding Board do not vote on their **own applications**. **Procedure**: Individual lists – applications from members of the Presiding Board will be removed from their lists.

- **Individual decisions:** These apply, for example, in the case of infrastructures; the same rules as applicable to divisions and panels apply accordingly.
- **Decisions on sanctions in the event of scientific misconduct and other sanctioning decisions:**

At the beginning of the discussion of the agenda item by the RC Presiding Board, the name of the person affected will be announced, **verbally and with instructions to adhere to strict confidentiality**, to those participants in the meeting entitled to vote (members of the RC Presiding Board). Any conflicts of interests must be disclosed and the members of the RC Presiding Board concerned must recuse themselves from the meeting for the duration of the subsequent discussion and vote.

### 3.3 Lifetime management of approved projects

- If **employees of the Administrative Offices** face a conflict of interests, they will pass the lifetime management of the project concerned to a colleague.
- If **members of the Research Council step down**, and if the projects for which they were responsible are passed on to a successor or another RC member working in a related field, the Administrative Offices will once again check for any conflicts of interests (cf. above [Rules on the assignment of applications to referees](#)).

### 3.4 Principles of elections

The following principles apply to elections at meetings (elections themselves and preparations for elections such as the discussion of nominations):

→ **In the following situations, an individual must recuse himself/herself during the election process:**

- **If he/she is standing for election**
- If measures are being taken to appoint **his/her successor**
- If a person from the **same institute or a closely related organisational unit** is standing for election
- If the person's **spouse, partner or close relative** (e.g. child) is standing for election.

## 4. Consequences in the event of breaches of the rules on conflicts of interests

- Any ruling adopted while the rules on conflicts of interests are not being observed will initially be valid but **may be contested**. In the event of an appeal, the court will order that the incorrect procedural stages be repeated (the court will “quash” the decision made on the basis of procedural errors).
- If it emerges after the conclusion of the evaluation procedure (through a definitive decision on an application, a reconsideration or an appeal) that the rules on handling conflicts of interests were not observed, a **new evaluation** must be carried out.
- **It is not sufficient merely to re-examine the material aspect of the case.** Given that the entitlement to observance of the rules on recusal is a **formal entitlement** (i.e. the applicant may appeal on such grounds without it having been proven that there was an impact on the outcome of the decision), the error cannot be compensated by means of a re-examination (even if particularly thorough).

- The **President of the Research Council will be informed** of any measures (e.g. repeating an interview with an applicant) taken due to non-observance of the rules on conflicts of interests (as it is also possible that the SNSF's image could be affected).

## 5. Summary: Approach when conflicts of interests arise during evaluation

**Colours** grey: not relevant, green: full access, yellow: restricted access, orange: recusal

	Member of Administrative Offices	Member of Research Council*	Member of Panel**	Member of Presiding Board
<b>Application process</b>				
Assignment of application		Recusal	Recusal	
Application	Recusal	Possibly brief access***	Recusal	
External review	Recusal	Recusal	Recusal	
Referee's recommendation	Recusal	Recusal	Recusal	
Co-referee	Recusal	Recusal	Recusal	
Application list	Without rating and referee for applications affected	Without rating and referee for applications affected	Without rating and referee for applications affected	
Discussion of individual application	Recusal	Recusal	Recusal	
Rejection or ranking				
Minutes				
Approval list for RC-P				Excluding own applications
Discussion/decision on individual applications by RC-P	Recusal			Recusal
En bloc approval by RC-P				
RC-P minutes				
Lifetime management	Recusal	Recusal		
<b>Elections</b>				
Discussion of candidates	Restraint required	Restraint required		Restraint/Recusal in relation to own successor
Interviews	Recusal	Recusal		Recusal
Division discussion	Recusal			
Election documents				
Election to RC-P	Recusal			Recusal
Exec Committee of the Foundation Council discussion	Restraint required			Restraint/Recusal in relation to own successor
<b>Scientific integrity and sanctions proceedings</b>				
RC-P documents				
Discussion/decision RC-P	Recusal			Recusal



\* The rules shown in this table apply to conflicts of interests in general. The special case in which an application submitted by a Research Council member is under evaluation is regulated separately (recusal for the entire evaluation process in the relevant funding scheme). The column “Member of Research Council” also includes members of the RC-P in their capacity as members of a division.

\*\*Including all evaluation commissions in the widest sense appointed by the RC-P, divisions and specialised committees.

\*\*\*To support the Administrative Offices in the search for external reviewers if an RC member from a completely different field is required to take over as referee.

For external reviewers, “Recusal” applies in the case of “Assignment of application”. All other columns are not relevant.

## 6. Additional comments on conflicts of interests affecting applicants and grantees

### Conflicts of interests affecting applicants during SNSF application processes:

- The **signing of the institutional statement, a letter of reference** or comparable documents by a close family member of the applicant is not permitted: The term **close family member** covers:
  - the spouse, partner or
  - close relative (e.g. child, parent).
- **Procedure** to be followed in such cases:
  - **Setting of a deadline to remedy the situation** (submission of a new reference letter etc.)
  - If it is not possible to remedy the situation or the deadline expires with no action having been taken: **Non-consideration** of the application (based on Article 11 of the Funding Regulations; responsible body: Administrative Offices)

### Conflicts of interests of grantees in the context of appointments at a research institution

- Grant recipients may be exposed to conflicts of interests in relation to their research activity, e.g. when selecting project staff or making use of and publishing research results.
- The SNSF adheres to the following **best practice**: No appointment of close family members (see above) as doctoral candidates, postdocs or in a comparable function on the same project. Administrative or other auxiliary staff are not covered by this. If it can be proved in an individual case that the hiring will not create a relationship of dependency, the situation is less problematic.
- The SNSF advocates its best practice as a **recommendation** to universities and other research institutions. It leaves the decision on whether to permit such appointments to the employing institutions, who also bear responsibility for this matter. However, the SNSF provides for applications to be rejected if the research institutions responsible (university etc.) do not permit such appointments. This is subject to the institution explicitly confirming to the SNSF in its institutional statement that this is the case.

➔ Further details on conflicts of interests affecting applicants and grantees are provided in the Funding Regulations and in the Guidelines for Applicants.

Adopted at EGL meeting of 22 May 2014, editorial adjustment 31 August 2015

Amendments concerning applications by members of the RC or of an evaluation body of 30 August 2018.