Code of conduct relating to conflicts of interest

This code of conduct relating to conflicts of interest describes various forms of conflicts of interest and how the Royal Netherlands Academy of Arts and Sciences (KNAW) deals with them.

The actions of the KNAW in its role as a subsidy and fund provider and as an awarde of prizes should guarantee the objectivity of its decision-making and the transparency of its assessment procedures. The objectivity and transparency of the decision-making are optimal only if these are strictly monitored during the entire assessment process. An important condition is that conflicts of interest as well as the appearance of such (jointly referred to below in this document as ‘conflicts of interest’) are avoided. It is the responsibility of the various boards and committees, assisted by KNAW bureau staff, to prevent any conflicts of interest. This code of conduct has been drawn up after consulting existing rules and regulations.

Starting points and basic rules

A general starting point of the KNAW is that a person who is closely involved with an application or who is intending to submit applications should not be part of the assessment committee – both in the case of tender schemes in which projects are ranked and in the case of other schemes – or a decision-making body.

However, it should not be forgotten that reality does not always tally with a schedule of conflicts of interest categories as provided below, or that the limited niche character of certain scientific areas compels a responsible deviation from the general starting point. In the end, it is important to determine on a case by case basis whether there is involvement in the case of a proposal that exceeds the boundaries of what is possible with regard to participation in an assessment committee or decision-making body. Consequently, the following rules are not intended to cover all situations. Where required, parties should act in the spirit of the rules.

The KNAW has the following basic rules, in which context the existing regulations of the Netherlands Organisation for Scientific Research (NWO) have served as an example.

1. Every conflict of interest between the KNAW and members of the decision-making bodies within the KNAW will be avoided.
2. A member of a decision-making body reports a possible conflict of interest to the chair of that body. The decision-making body in question will discuss the possible existence of a conflict of interest without the member in question being present, as well as the method of terminating it.
3. A member of a decision-making body will neither participate in the discussion nor in the decision making surrounding a subject in which he or she has a direct or conflicting interest.
4. Persons who as members of an assessment body within the KNAW are faced by a personal conflict of interest should withdraw from that body, or, in the case of a specific proposal, should not take part in the discussions or decisions regarding that proposal.

Conflict of interest categories

There are various categories of conflict of interest.

1. Involvement: A conflict of interest arises if a person – who takes part in any way in the preparation of a subsidy decision, e.g. as an expert, as a member of an assessment or prioritising committee, as a programme secretary or as a member of the decision-making body – is involved in such an application or is acquainted with the applicant.
Forms of involvement in an application or being acquainted with the applicant are:
  a. being an applicant or joint applicant (in the case of joint ventures) to the application;
  b. being a signatory to an application.

Forms of involvement in an application:
  c. being a supervisor, project manager or consultant to a project for which subsidy is being applied for in the same round;
  d. being involved in some other way in a project for which subsidy is being applied for in the round in question;
  e. submitting a letter of recommendation, an endorsement or a declaration of support for a project within the round;
  f. being an official (faculty chair, institute director, head of a capacity group, member of the supervisory board) of an organisation or the organisation unit of the applicant;
  g. being a staff member of the organisation unit (department, research school) or the same organisation (if it has no units) of the applicant and publishing in the same subject area as the applicant.

Forms of being acquainted with an applicant:
  h. having supervised the applicant in another phase (guideline: less than five years ago) and/or having published or are still publishing jointly (guideline: less than three years ago);
  i. being related once removed, twice removed or three times removed to the applicant;
  j. running a joint household and/or being a spouse or a partner in some other way of the applicant.

2. **Bias**: A conflict of interest also arises if:
   a. a committee member, independent of any involvement in an application and/or acquaintance with an applicant, is biased with respect to a specific application and will consequently assess the application in a more positive or negative light than if that bias did not exist, e.g. in the case of rivalry between research schools, or if
   b. a committee member is involved in an application that has a considerable overlap with another application from the same round. In this case, bias or the appearance of such with regard to the other application from the same round cannot be excluded.

3. **Leaking information**: Furthermore, a conflict of interest arises if a committee member leaks information to parties having an interest in the outcome of the assessment process about the actual course of events during the assessment process. In so doing, that committee member brings the interests of the KNAW into conflict with his or her personal interests with respect to the parties to whom the information has been leaked.

**The KNAW code of conduct for preventing conflicts of interest:**

1. Committee members who are also applicants or joint applicants within an assessment round (category 1a) will not be part of any assessment committee in the same round, unless it is a programme round focused on a limited scientific/scholarly field and the research area is so limited that the application of this rule would mean that leaders in this research field would not be able to make a submission. In this final case, code of conduct rule 10 may be applied.

2. Committee members who are involved in or acquainted with more than one application or applicant, other than as applicants or joint applicants (categories 1b to 1i, inclusive), will not be part of any assessment committee in the same round either.

3. Committee members who are involved in or acquainted with only one application or applicant, other than as applicants or joint applicants (categories 1b to 1i, inclusive), may be part of the assessment committee. However, they will not participate in the discussions or interviews and neither will they vote on the application. During discussions or a vote on the proposal, they will leave the room and this will be noted in the minutes.
4. Members of decision-making bodies who are applicants or joint applicants (category 1a) in a round about which this body must take a decision, will not participate in the decision-making regarding that round. In other cases where there is involvement, the body will consider prior to the decision whether, when viewed objectively, the member or members may participate in the decision-making and will act accordingly. This will be noted in the minutes.

5. Only experts without involvement in or being acquainted with an application or applicant may be used. For this reason, the letter to experts in which they are requested to provide an independent opinion regarding a specific application will contain the following paragraph:

If you agree to this request to act as an expert regarding the specific application referred to in this letter, the KNAW will assume that you can actually be considered an independent expert in the field of this application as referred to in the KNAW code of conduct relating to conflicts of interest. If the KNAW cannot assume such, the KNAW expects that you will report this – preferably by return – to the KNAW, so that another expert can be sought in good time. Should you have any doubts in this respect, please contact the programme secretary.

6. The involvement of the committee members (all categories) will be checked in advance by means of a standard form. Following completion and signing by the committee members and after it has been returned to the programme secretarial office, the form will be included in the general file of the programme in question.

7. The involvement of committee members and board members (all categories) will be rechecked at the start of an assessment or decision-making meeting, and this will be noted in the minutes.

8. At the start of an assessment or decision-making meeting, the attention of committee members and board members will be explicitly drawn to their confidentiality obligation regarding what is to be discussed (category 3).

9. The KNAW bureau and more specifically the selection process secretarial office are continually active, vigilant and neutral under all circumstances when it comes to possible conflicts of interest and take steps to avoid them. In cases where the activities of a committee are involved, steps relating to involvement are taken on the basis of this code of conduct in close cooperation with the committee chair. It goes without saying that the final responsibility for the above steps lies with the board or committee in question, and more particularly with the chair of such.

10. If rules 1 to 3, inclusive, above present an obstacle to a proper assessment procedure, these rules may be deviated from provided that the following requirements are met.

   a. The KNAW bureau may deviate from rule 1 only following consultation with the Board and Management Support (BMS)/Legal Affairs departments of the KNAW. For this purpose, the secretarial office in question reports the desired deviation to the KNAW BMS department, stating all relevant facts – in particular the total number of committee members and the number involved as joint applicants, the number of applications to be assessed, the relative size of the scientific/scholarly field involved (expressed in the number of researchers) and the size of the subsidies to be allocated – and the neutralising measures that the secretarial office is intending to take.

   The advice of the BMS department concerning the intended deviation and the neutralising measures to be taken will be included by the secretarial office in question when the deviation from rule 1 is finally detailed. The advice from the department and the final deviation from rule 1 will be added to the general file of the programme in question.

   Examples of neutralising measures are:
   - presence of an independent observer at the relevant committee meeting;
   - reduction in the number of submitting committee members;
   - extension of the number of committee members;
• an explicit statement from all non-involved committee members that, despite the involvement, they are willing to guarantee that the assessment process will be fair;
• the obligatory imposition of an assessment process in which the final decision of the assessment committee regarding every proposal to be assessed is arrived at as follows:
  o the committee members exchange arguments but arrive at their final judgment independently and anonymously;
  o if the assessment committee consists of at least six members, the individual final judgments with the lowest and highest figures will not be included. The average of the other final judgments will constitute the final judgment of the committee. If the assessment committee consists of less than six members, the most deviating individual judgment will not be included.

b. If rules 2 and/or 3 form an obstacle, the KNAW secretarial office in question may deviate from these rules provided that the deviation is substantiated in writing and any neutralising measures taken to avoid a conflict of interests or the appearance of such are reported. This statement will be added to the general file of the programme in question.

The escape clause described in this article cannot be applied to the chair of a committee. The final responsibility during the application of the neutralising measures referred to above lies with the board or committee in question and in particular with the chair of such.

This code of conduct relating to conflicts of interest was adopted by the Executive Board of the KNAW on 20 October 2008.