

**DISCLAIMER: THIS TRANSLATION IS NOT LEGALLY BINDING.**

## **Principles of the University of Cologne on Questions of Conflict of Interest**

**as of July 6, 2018**

The University of Cologne attaches great importance to a responsible and transparent approach to questions of conflict of interest. For this reason, it has formulated these principles in particular for use in appointment procedures, commissions and committees, in evaluations of scientific and other units of the University of Cologne and in evaluations within the framework of internal funding lines.

All (internal and external) members of commissions and committees as well as all experts are obliged to examine and explain whether they might appear to have a conflict of interest. In the case of commissions and committees, the respective chairperson works to ensure compliance with these principles.

If a person appears to have a conflict of interest, he or she may no longer participate in the commission or in the committee or serve as an expert (in the case of appointment commissions, this applies to the entire appointment procedure); any comments and expert opinions already submitted are no longer to be taken into account.

The decision in favour of an individual's exclusion is not to be interpreted as a vote of no confidence: What is decisive is not whether a conflict of interest actually exists, but rather whether third parties might be given the impression that there is a conflict of interest on the basis of objectively ascertainable facts.

The following are examples of criteria that may create the appearance of a conflict of interest. In compliance with and in addition to Sections 20 and 21 of the Administrative Procedure Act of North-Rhine Westphalia (VwVfG NRW) and on the basis of the policy of the German Research Foundation (DFG) on questions of conflict of interest, these criteria are divided into two categories: 'exclusion' and 'individual case decision'.

If one criterion of the category 'exclusion' is fulfilled, a conflict of interest is irrefutably presumed in the abstract, and the exclusion from further participation takes effect automatically.

If one criterion of the category 'individual case decision' is met, the members of the commission or the committee or, in the case of written opinions, the persons responsible for obtaining the opinions, excluding the person or persons concerned, shall discuss and decide whether there is an appearance of a conflict of interest and the person or persons concerned are excluded from further participation.

## **List of criteria for the appearance of a conflict of interest**

In the following circumstances, committee members and experts are generally excluded:

1. relations up to the third degree (including, e. g., nephews/nieces, aunts/uncles, cousins); spouses, civil partners or partners cohabiting (both current and past)
2. personal economic interests in the decision or economic interests of persons listed under no. 1
3. current or planned close scientific cooperation
4. employment dependency or mentoring relationship (e. g. teacher–student relationship up to and including the postdoctoral phase) up to six years after termination of the relationship.

In the following circumstances, an individual case decision must be made:

5. family relationships not covered by no. 1; other personal ties or conflicts
6. economic interests of persons listed under no. 5
7. close scientific or economic cooperation within the last six years, e. g., in the context of joint projects or publications
8. direct scientific or economic competition (e. g. in the context of ongoing appointment procedures or appointment procedures completed within the last twelve months)
9. participation in mutual evaluations within the last twelve months
10. a sustained business relationship based on a special personal relationship of trust.

This list is not exhaustive. Other circumstances can also give rise to the appearance of a conflict of interest, as can certain actions or statements of a person. All parties involved are therefore requested to disclose any reasons not listed here which could give rise to the appearance of a conflict of interest.