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The principles of impartiality, objectivity, confidentiality, and the avoidance of conflict of interest, in the Virtual Research Institute under the Polish Science Fund

THE PRINCIPLES OF IMPARTIALITY, OBJECTIVITY, CONFIDENTIALITY
AND THE AVOIDANCE OF CONFLICT OF INTEREST FOR

- EMPLOYEES OF THE MANAGING ENTITY OF THE VIRTUAL RESEARCH INSTITUTE
- EXPERTS WITHIN THE VIRTUAL RESEARCH INSTITUTE
- MEMBERS OF COLLEGIAL BODIES AT THE WIB MANAGING ENTITY
- OTHER PERSONS INVOLVED IN THE PROCESSES IN PLACE AT WIB
UNDER THE POLISH SCIENCE FUND.

The principles of impartiality, objectivity, confidentiality, and the avoidance of conflict of interest (hereinafter referred to as **"the Principles"**), shall be applied within the Virtual Research Institute Programme (hereinafter referred to as **"WIB"**) to cooperation with persons involved in the processes of WIB for the purposes of

- a) the evaluation and selection of Applications for funding Research Teams,
- b) the performance of the duties of the Managing Entity under concluded agreements for funding Research Teams (e.g. the evaluation of reports on the performance of Research Tasks, opinions concerning the periodic Scientific Evaluation and the final assessment of Research Teams, the evaluation of Applications for amendments submitted during the implementation of Research Tasks, other expert opinions, etc.).

General principles

1. All persons involved in the process of the evaluation and selection of Research Teams, and the performance of the tasks of the Managing Entity under the concluded agreements for funding Research Teams shall observe the following principles.
 - a) Transparency – understood as the obligation to maintain the clarity and legibility of the performed activities, the need for their accuracy and extensive justification, and the obligation to provide access to information concerning the process of evaluation, and the selection of Research Teams within the limits set out by the law and the provisions of competition documentation.
 - b) Reliability – understood as the obligation to act reliably and to perform evaluations in accordance with the established principles and rules of conduct, including the obligation to present a detailed justification for the evaluation and to perform the evaluation on time.
 - c) Objectivity and impartiality – understood as a prohibition on giving individual (subjective) preferences to groups or types of Applicants (Research Teams) applying for funding. However, other preferences (regarding, e.g. the types of the selected research fields which need to be explored by Research Teams) and group preferences of a subjective nature are not prohibited if justified by the criteria. The principle of impartiality also relates to the deployment of mechanisms securing the impartiality of persons participating in the evaluation of Research Teams, and the performance of the Managing Entity's tasks arising from concluded Agreements for funding Research Teams. The persons participating in this or other evaluations (e.g. of employees of the Managing Entity, and of Experts) are at least required to submit a written declaration stating that there are no indications that a person should be excluded from the process of evaluation (if an employee or Expert is excluded, this person is not allowed to assess a given Application submitted as part of a Call, or take part in the performance of the tasks of the Managing Entity resulting from concluded agreements for funding Research Teams).

d) Equal treatment – understood as the prohibition on applying the Call Rules and Regulations in a way resulting in the arbitrary (unjustified by the law or facts) favouring of individual Applicants to the disadvantage of other Applicants, and making amendments to the Call Rules and Regulations implemented by the Managing Entity which would result in the above. For the avoidance of doubt, this does not relate to the rules and criteria which might assume a different treatment of the specific categories of Applicants or Applications. Any amendments to the conditions and rules of the Call should be applied equally to all Applicants.

2. Employees of the Managing Entity and external Experts involved in the evaluation of Applications/reports, other persons involved in the assessment of Applications/reports and members of collegial bodies operating at the Managing Entity, and other persons involved in the WIB processes undertake to keep confidential all information and documents disclosed and prepared in the period of their availability, including during the time of any evaluation.

Confidentiality obligation shall extend for 5 years measured at each time from the date of receipt of Confidential information, provided that the obligation to maintain confidentiality of a given piece of Confidential Information does not last longer than until the day when such Confidential Information loses its confidential nature.

3. An Application for funding a Research Task should include a clause which, when signed by an Applicant, ensures the protection of the marked information and secrets contained therein, provided that the Leader, due to his or her status, is able to protect them under the generally applicable law.
4. The persons mentioned in (2) shall exercise the discretion necessary for the free exchange of views, which does not allow them to disclose to any unauthorised persons the contents of views, opinions, Applications, or proposals presented during joint debates, going beyond the accepted protocol of a meeting/Panel. These persons should take care of the good reputation of the bodies they are members of within WIB and the Managing Entity. An Expert should avoid debates with other Experts in the presence of any third parties.
5. The persons mentioned in (2) may not be identified in Applications as Members of a Research Team or subcontractors of Research Tasks, or as parties to agreements for funding, and may not be scientific supervisors or tutors of a Member of a Research Team.

Conflict of interest

6. While conducting evaluations of Applications submitted by Research Teams in competitions within WIB, and performing the tasks of the Managing Entity arising from concluded agreements for funding Research Teams, the persons mentioned in (2) undertake to observe the rules set out in the Principles, applying the same valuation criteria, and avoiding a conflict of interest.

7. The persons mentioned in (2) may not initiate any activities or actions which might result in a conflict of interest.
8. A conflict of interest arises, in particular, when the impartial, reliable or objective performance of a function within WIB is put into question by family-related, emotional, employment-related or personal interests, or political preferences, or nationality, economic, financial, or academic interests, or any other interests of the Research Team submitting an Application for funding (or, accordingly, the Leaders and individual Members of Research Teams, entities employing them, etc.) or a person performing a Research Task. A conflict of interest also arises where the preceding situation results, or might result, from an attempt by such a person to obtain personal gain.
9. If such a risk exists, the involved person shall refrain from the performance of such activities and actions, and notify the Managing Entity immediately after this event occurs in writing or by e-mail, and refrain from any activities and actions concerning the matter in question. The Managing Entity shall take the appropriate further measures on such matters.
10. A conflict of interest between the persons mentioned in (2) and a Member of a Research Team (or, accordingly, the entities employing them) should be identified by the persons mentioned in (2). The fact that the Managing Entity applies for participation in the process of evaluation, or the performance of the tasks of the Managing Entity arising from concluded agreements for funding Research Teams, does not mean that the Managing Entity has made such an identification.
11. According to the template of the Application for funding a Research Task, and its filling-in instructions, an Applicant is allowed to appoint a maximum of two individuals who should not participate in the evaluation of such an Application due to a potential conflict of interest. In such a case, their names, surnames, and affiliations should be provided. However, the final selection of Experts shall be made by the Managing Entity.
12. The persons mentioned in (2) shall not evaluate an Application or perform the tasks of the Managing Entity arising from concluded agreements for funding Research Teams, in particular if they
 - a) are collaborators of Members of a Research Team or an entity to which funds are to be granted/have been granted;
 - b) were involved in the preparation of the Application or other documentation in any way;
 - c) can, directly or indirectly, benefit from the positive or negative evaluation of the Application or other documentation;
 - d) are in close private or official (e.g. a supervisor/subordinate/academic tutor) relations with Members of a Research Team or persons representing an entity to which funds are to be granted/have been granted;

- e) are, or have been in the period of the last year, in an employment or civil-law relationship with the entity with which Members of Research Teams are affiliated;
 - f) in the period of the last year, have published their papers jointly with Members of a Research Team which submitted the evaluated Application, or other documentation;
 - g) are spouses, or relatives by blood or marriage to the second degree, of the Leader or Member of a Research Team,
 - h) are related to the Leader or Member of a Research Team by adoption, care, or guardianship;
 - i) are in personal conflict with Members of a Research Team which submitted the evaluated Application or other documentation, or with persons representing the entity to which the funds are to be granted/have been granted;
 - j) there exists another important reason which could limit their reliability, objectivity, impartiality, and equal treatment.
13. The person mentioned in (2) shall refrain from the evaluation of an Application or other documentation if he or she considers that any of the principles mentioned in (1) might not be observed. If any doubts arise, the person named in (2) should contact the Managing Entity.
 14. If, in the process of performing their duties, the persons mentioned in (2) identify any other reason than those set out in (12) and (13) which might affect compliance with the conditions set out in the Principles, and the impartiality of the process of Applications, or the performance of the tasks of the Managing Entity arising from concluded agreements on the financing of Research Teams, they shall immediately notify the Managing Entity, and withdraw from the evaluation of an Application or other documentation.
 15. Withdrawal from the evaluation of an Application or other documentation does not discharge a person mentioned in (2) from the obligation to maintain the confidentiality of the information entrusted to that person.
 16. If an existing conflict of interest is not disclosed, a person mentioned in (2) shall be immediately removed from the list/register of Experts within WIB, and dismissed from the Expert Panel, and excluded from the evaluation of the tasks of the Managing Entity arising from concluded Agreements for funding Research Teams.

Specific ethical principles for Experts

17. An Expert's task is to provide a professional, substantive, thorough, and impartial evaluation, compliant with the principles mentioned in (1), of Applications submitted within WIB competitions and of other documentation concerning the performance of the tasks of the Managing Entity arising from concluded agreements for funding Research Teams, carried out on the basis of the appropriate procedures and criteria applied to WIB.

18. An Expert shall be independent in the submitted evaluation, but such an evaluation should not be provided on a discretionary basis. An Expert is obliged to perform the duties arising from the evaluation of Applications or other documentation and procedures applied to WIB according to his or her personal skills, experience, and best knowledge, only on the basis of substantive grounds, diligence, and attention to the high quality of the evaluation process.
19. While performing his or her duties, an Expert shall observe the principle of confidentiality with regard to the process of the evaluation, the content of the evaluation, and the persons preparing it, the content of the available information provided in the Application or other documentation (the content provided in the Application or other documentation may not be used for any other purpose than evaluation), and, in particular, may not exchange views on the the evaluated Application or other documentation with anyone, including other Experts, excluding discussions held at the official meeting of a given Expert Panel.
20. Addressing the Applications or other documentation of Research Teams for external evaluations/reviews (including international) and their preparation, should take place in compliance with the rules set out in the Principles.
21. An Expert should be especially alert to any corruptive practices, and be aware that corruption can take not only financial but also non-financial forms (e.g. an invitation to lunch/dinner and other indications of excessive hospitality, providing tickets to events, expedited processing of a matter, a charity donation, gifts in various forms, or valuable items, providing opportunities to purchase items at attractive prices, the free-of-charge provision of services, job or cooperation offers, the opportunity to give a lecture or to participate in a conference, the unlawful inclusion in an academic publication, lending a phone or vehicle for testing, sponsoring a business/private trip, etc.).
22. An Expert shall not directly (with the exception of the Managing Entity) contact any Leader, other Members of Research Teams, or entities employing them.
23. If a Member of a Research Team or an entity employing it makes an attempt to contact an Expert, the Expert may not continue such contact, and should immediately notify the Managing Entity of this fact.
24. An Expert should be aware of criminal responsibility, e.g. for the offence of corruption and paid protection (Article 230 and Article 230(a) of the Act – Penal Code).

The principles concerning the organisation of a meeting with the Leader of a Research Team during an Expert Panel for the evaluation of an Application at the registered office of the Managing Entity

25. An Expert shall observe the working standards of the Managing Entity and the generally accepted standards of professional conduct and behaviour.

26. An Expert should have previously read in full, and have at his or her disposal, the documentation concerning the Application submitted by the Research Team to which the meeting relates, or other materials concerning the Application, allowing the Expert to hold the meeting and perform the evaluation of the Application in a professional manner, according to these Principles and the criteria of evaluation.
27. The obligations set out in (4) shall be applied accordingly.
28. During a meeting, an Expert asks the Leader of a Research Team questions previously prepared or resulting from the answers of the Leader of a Research Team, concerning the Application, and listens to the answers. After receiving an answer, the Expert may request more details or ask another specific question.
29. An Expert may not accept from the Leader of Research Team any documents, materials complementing the Application for funding, brochures, or other materials. An Expert should return to the Leader, immediately after reading it, any documentation potentially concerning the Application, as presented during the meeting with the Leader of a Research Team.
30. An Expert notifies an employee of the Managing Entity supporting the Expert Panel of any untypical behaviour by the Leader, or by another Member of the Research Team, or by other Members of the Expert Panel, or by other participants in the meeting concerning the evaluation.
31. An Expert may not be left alone with the Leader or another Member of a Research Team.

Other principles

32. Each person mentioned in (2), and any person not involved in the processes of evaluation, having information about the potential violation of these principles, shall notify the Managing Entity of it in writing, or in the form of a document. Only signed information shall be considered. Any information communicated anonymously, or in such a way that a sender cannot be clearly identified, shall not be considered. The person reporting a possible violation of the principles shall remain anonymous to all parties, except for the decision-makers of the Managing Entity.
33. The provisions of the following documents shall apply to matters not regulated by these principles
 - 1) "*The code of ethics for research workers.*" (The Polish Academy of Sciences, edition II, Warsaw 2017)¹.
 - 2) "*Good practice in scientific research. Recommendations.*" (The Research Ethics Team at the Minister of Science and Computerisation, Warsaw 2004),
 - 3) "*Good morals in science*" (in particular, Chapters 5 and 6, the Research Ethics Committee, the Polish Academy of Sciences)²,

¹ <https://instytucja.pan.pl/index.php/kodeks-etyki-pracownika-naukowego?jjj=1543584048231>

² <http://ken.pan.pl/images/stories/pliki/pdf/down.pdf>

- 4) The Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers (The Official Journal of the European Union, L 75, 22.3.2005, pp. 67– 77),
- 5) "*The European Code of Conduct for Research Integrity*", European Science Foundation (ESF), All European Academies (ALLEA), Berlin, 2017³,
- 6) Act of 9 June 2006 on the Central Anti-Corruption Bureau (Journal of Laws of 2019, item 1921, as amended) – for the notion of *corruption* (Article 1(3)(a)) and for the notion of *activities undermining the economic interests of the State* (Article 1(4)).

³ <http://www.allea.org/wp-content/uploads/2017/04/ALLEA-European-Code-of-Conduct-for-Research-Integrity-2017.pdf>

Appendix to the document

Declaration
of impartiality and the absence of conflict of interest,
of the absence of grounds for exclusion,
and of confidentiality

I, the undersigned,, declare

- I. **Declaration of impartiality and the absence of conflict of interest, and of the absence of grounds for exclusion**
 - 1) I agree to participate in the procedure of the evaluation of Applications by Research Teams, and of other documentation arising from concluded agreements for funding Research Teams financed from the Polish Science Fund within the Virtual Research Institute ("WIB"). By submitting this declaration, I confirm that I have read the documents and information available on the day of the submission of this declaration, and concerning Applications or other documentation handed over to me for evaluation, and the Principles of impartiality, objectivity, confidentiality, and avoidance of conflict of interest in the Virtual Research Institute within the Polish Science Fund ("the Principles").
 - 2) I am not subject to any circumstances which represent grounds for my exclusion from participation in the procedure of the evaluation of Applications by Research Teams or of other documentation arising from concluded agreements for funding Research Teams.
 - 3) I shall perform my duties with impartiality, objectivity, and the observance of equal treatment and honesty. If, during the process of evaluation, there are any indications raising any doubts as to the impartiality, objectivity, the observance of equal treatment and honesty of my evaluation due to reasons set out in the Principles, I shall immediately refrain from issuing an opinion and carrying out the evaluation, report this to an authorised employee of the WIB Managing Entity, and withdraw from participation in the process of evaluation.
 - 4) There are no circumstances which might result in a conflict of interest as mentioned in the Principles, or which might affect my impartiality, and if they arise, I shall immediately refrain

from issuing an opinion and carrying out the evaluation, report this to an authorised employee of the WIB Managing Entity, and withdraw from further participation in the process of evaluation.

- 5) According to my best knowledge and belief, there are no facts or circumstances, past or present, which could arise in the foreseeable future, affecting my independence in the eyes of any of the parties participating in any Call organised by the WIB Managing Entity, the Leader, or Members of a Research Team,
- 6) If, in carrying out my duties, I find or it is found that a conflict of interest or the absence of impartiality occurs or has occurred, I shall immediately report this to an authorised employee of the WIB Managing Entity, and – if the conflict of interest or the absence of impartiality is confirmed – I shall refrain from any activities concerning the said matter,
- 7) I am submitting this declaration in full awareness of the criminal liability for providing false information in accordance with Article 233 §1 of the Act of 6 June 1997 – the Penal Code.

II. Declaration of confidentiality

- 1) I shall keep confidential all information and documents (in any form) disclosed to me, or produced and prepared by me, in the course or as a result of the procedure of the evaluation of Applications by Research Teams, or of other documentation arising from concluded agreements for funding Research Teams financed from the Polish Science Fund under the Virtual Research Institute, and I confirm that these documents and information shall be used only for the purpose of the evaluation of Applications or of other documentation arising from concluded agreements for funding Research Teams, and shall not be disclosed to any third parties.
- 2) When the process of evaluation is completed, I shall not keep copies of any information or documents (in any form) concerning the evaluated Applications, or other documentation arising from agreements for funding Research Teams.
- 3) Any information obtained by me, and prepared documents (in any form), shall be used only in the process of evaluating Applications by Research Teams or other documentation arising from concluded agreements for funding Research Teams, as well as in the inspection and evaluation

carried out by the WIB Managing Entity and other authorised entities and institutions within WIB.

My obligation relatesto information and documents (in any form) which are secrets according to the generally applicable law.

Name and surname	
Legible signature	
Date	