

10 October 2008

Guidelines on Impartiality in the Faroese Research Council

Purpose

These guidelines are made to ensure that employees, experts and members of the institutions' governing and advisory bodies remain impartial and are perceived as being impartial. Furthermore, these guidelines are designed to promote confidence in decisions made by the Faroese Research Council.

The Faroese Public Administration Act, chapter II "*Concerning disqualification*" applies to all employees, experts and members of the governing and advisory bodies of The Faroese Research Council. These rules have been adapted to the needs of The Faroese Research Council, and are as follows:

Disqualification based on discretionary assessment

An employee, expert or member of governing and advisory bodies of The Faroese Research Council shall be disqualified from preparing the basis for a decision or from making any decision in a case if there are any special circumstances which are apt to impair confidence in his or her impartiality.

Automatic disqualification

An employee, expert or member of governing and advisory bodies of The Faroese Research Council shall automatically be disqualified from preparing the basis for a decision or from making any decision in a case

- a) if he himself or she herself is party to the case
- b) if he or she is related by blood or by marriage to a party in direct line of ascent or descent, or collaterally as close as a sibling
- c) if he or she is or has been married or engaged to, cohabitant with or the registered partner or a party, or is the foster parent of foster child of a party
- d) if he or she is the guardian or agent of a party to the case or has been the guardian or agent of a party after the case began
- e) if he or she is the head of, or holds a senior position in, or is a member of the executive board or the corporate assembly of a public or private institution that is a party to the case
- f) if he or she is, within the last three years has served as the doctorate-level advisor for a party to the case

- g) if he himself or her herself is a party to the case in direct competition with the case being processed. ¹

If a Faroese Research Council employee is disqualified, the case may not be decided by any employee directly subordinate to the disqualified individual. If the Director is disqualified, the case shall be decided by the Chair of the Board or whom she or he delegates.

Every effort should be made to assess impartiality on a discretionary basis. Such assessment should primarily be focused on whether special circumstances exist that could impair confidence in a member's impartiality. In other words, the crucial element here is not whether there is reason to believe that an individual will act in a non-impartial manner, but whether confidence in this individual is likely to be diminished. It is on the basis of how this will be perceived by the parties involved, as well as by the public at large, that the assessment must be carried out. ²

Declaration on impartiality and confidentiality

The Faroese Research Council's employees, experts and members of governing and advisory bodies must sign a statement on Impartiality and Confidentiality.

Administrative proceedings

The individual employee, expert referee and member of The Faroese Research Council's governing and advisory bodies shall give notice to The Faroese Research Council of any circumstances that render or may render him/her disqualified.

With regards to the question of disqualification of any of the abovementioned, the decision will be determined by the Director of The Faroese Research Council in dialogue with the person involved. The Director may delegate this decision to other employees at The Faroese Research Council.

The agenda for all relevant meetings shall include a discussion of matters relating to members impartiality. The minutes from the meeting shall indicate in brief that the question of disqualification appeared on the agenda, which issues have been discussed and the final decisions taken.

In the event that a member is deemed disqualified to participate in a matter, her or she shall leave the room during the preparation and completion of the relevant case(s).

¹ Comment to disqualification due to competition:

A key criterion in the concrete assessment of disqualification due to competition will be whether the rejection of one or a small number of competing grant applications would substantially improve the likelihood of approval of the application that is the object of the impartiality discussion, i.e. whether the member involved has any special interest in the rejection of certain other applications. The degree to which the disqualification will apply in relation to the entire group of applications must be clearly specified.

² The Norwegian Research Council has made a List of topics/Examples to illustrate relevant problems regarding impartiality, which might be helpful in efforts to assess matters relating to impartiality. This list can be found on www.forskningradet.no