

Confidentiality and Conflicts of Interest

(Developed by the QM Committee in July 2023 and decided upon by the Faculty Council on 10th April 2024)

- In all discussions between the persons involved (complainants, functionaries, committee members) and in the committee meetings at the various levels of complaints management at FB2, the personal rights of the persons involved (parties) and full confidentiality must be maintained. If necessary, the members of the committees should be instructed again about the duty of secrecy and confidentiality
- Functionaries and committee members who perform important advisory or decision-making tasks in the department may be impaired in their unbiased assessment of the subject of the complaint due to conflicts of interest. For example, committee members who act as examiners or module coordinators for a course may be confronted with complaints about their own course at a committee meeting.
- In order to rule out any obvious or perceived bias in a complaints procedure, officers or committee members should declare a conflict of interest before or at the beginning of the meeting or session.
- In the event of obvious bias, a biased commission member should declare him/herself biased for the meeting in question, or at least for the agenda item under which the complaint is being dealt with. This person should not take part in the meeting or should leave the room when the relevant agenda item is being dealt with and, if necessary, be represented by someone else.
- In the event of a "perceived" conflict of interest, the committee member should disclose the potential bias at the beginning of the meeting so that the conflict of interest can be discussed by the committee. Depending on the assessed extent of the bias, the committee then determines the further course of action.
- A potential bias of functionaries or committee members can also be addressed by the complainant or third parties and must be dealt with in the committees or bodies involved before the relevant agenda item is discussed.
- Once the question of bias has been clarified, the committee's decision and how the question was dealt with is documented in the minutes of the respective committee meeting in a comprehensible manner.

Legal Basis

(The binding legal documents are in German, the following translation is non-binding):

§10 Basic Regulations of the University of Bremen - Procedural Principles

(2) The members of a committee are bound by instructions. They shall not take part in the deliberation and decision of matters if this could be of particular personal advantage or disadvantage to themselves or close relatives. ...

§ 20 BremVwVfG – Excluded persons Bremen Administrative Procedure Act

(1) No person may act on behalf of an authority in administrative proceedings,

- whoever is a party to the proceedings;
- who is a relative of a party involved;
- whoever represents a party by virtue of law or power of attorney in general or in these administrative proceedings;
- whoever is a relative of a person representing a party in these proceedings;
- anyone who is employed by a party for remuneration or is a member of the management board, supervisory board or a similar body; this does not apply to a person whose employing body is a party;
- anyone who has provided an expert opinion on the matter outside of their official capacity or has acted in any other way.

Anyone who can gain a direct advantage or disadvantage from the activity or the decision shall be deemed equivalent to the party involved. This does not apply if the advantage or disadvantage is based solely on the fact that someone belongs to a professional or population group whose common interests are affected by the matter.

...

(4) If a member of a committee (§ 88) considers him- or herself to be excluded or if there are doubts as to whether the requirements of paragraph 1 are met, this must be communicated to the chairman of the committee. The committee shall decide on the exclusion. The person concerned may not participate in this decision. The excluded member may not be present during the further deliberations and resolutions.

§ 21 BremVwVfG – Concerns of Bias

Bremen Administrative Procedure Act

(1) If there is a reason that is capable of justifying mistrust in the impartial exercise of office, or if a party alleges the existence of such a reason, anyone who is to act for an authority in an administrative procedure shall inform the head of the authority or the person appointed by the latter and shall refrain from participating on the latter's instructions. If the concern of bias relates to the head of the authority, this order shall be issued by the supervisory authority, unless the head of the authority himself abstains from involvement.

(2) § 20 (4) shall apply accordingly to members of a committee (§ 88).