

Guidelines for Recusals from University Committees, in Particular Appointment and Search Committees [of 26 April 2016]

On the basis of § 11 para. 1 of the university statutes of 3 May 2012 and following a hearing by the Senate in accordance with § 13 of the appointment regulations of 25 April 2013, the President's Board issues the following guidelines:

§ 1 Scope

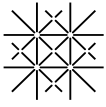
- 1 The provisions of these guidelines apply for all discussions and decisions by committees convened by the President's Board and administration, the Senate, the faculty, the institutes and departments as well as by the aforementioned university committees themselves.
- 2 In particular, the guidelines apply for discussions and decisions by appointment and search committees convened for hiring professors.
- 3 In addition, the guidelines apply analogously for discussions and decisions concerning related matters.

§ 2 Purpose

- 1 The provisions of these guidelines are intended to promote and ensure quality, equal opportunity, fairness and transparency.

§ 3 Grounds for recusal

- 1 Individuals must recuse themselves from decisions if the decisions relate to a person:
 - a. to whom they are or were married, with whom they live or lived in a registered partnership or with whom they maintain or maintained a joint household;
 - b. who is related, by blood or marriage, directly or collaterally to the third degree;
 - c. with whom they have friendly or hostile relations; or
 - d. with whom they have another extraneous, personal interest in the outcome of the process.
- 2 In addition, the appointment and search committees must discuss and decide on the grounds for recusal if a member of the committee advised an applicant as an assistant, professorial candidate or PhD student within the last five years since the start of the process (date of the job posting) or has worked with an applicant in some other manner within the last two years.
- 3 In addition, individuals who are personally affected by a matter on which a decision is to be made or who is involved in some other capacity with contrary interests must also recuse themselves.



§4 Disclosure of the grounds for recusal, decision

- 1 All members of the committee must disclose any grounds for recusal as soon as possible and inform the chair of the relevant committee.
- 2 The committee will discuss and decide whether there are grounds for recusal without the presence of the relevant member.
- 3 If the committee decides that there are grounds for recusal, the member will recuse him/herself if the person with respect to whom there are grounds for recusal is to be the subject of discussions and a decision.
- 4 If grounds for recusal occur retroactively, the committee will proceed in accordance with para. 1 to 3.
- 5 The topic of recusals must be discussed by appointment and search committees no later than the meeting at which the next steps are determined following the submission of the list of candidates.

§ 5 Documentation

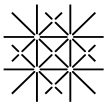
- 1 The decision on recusal and the grounds for it must be documented in the meeting minutes.

§ 6 Breach of the recusal obligation

- 1 In the event of the breach or suspected breach of the recusal obligation, the chair of the committee must be informed immediately.
- 2 The committee decides, if the parts of the process, in which the member obliged to recuse him/herself was involved, must be repeated.
- 3 The President's Board must be informed of the breach of the recusal obligations by the chair of the committee and the measures taken by the committee.

§ 7 Final provision

- 1 These guidelines enter into effect immediately. They replace the Guidelines for Recusals from the Appointment and Search Process dated 1 October 2013.



Notes:

As specified in § 2, the aim of the guidelines is to promote and ensure the quality of certain university processes. § 1 para. 3 clarifies that the guidelines apply not only for discussions and decisions regarding personnel but also for business matters (e.g., issuing orders to external parties or the conclusion of a contract by the university, etc.).

On the one hand, grounds for recusal (see § 3) involve formal criteria (relationships) that are clear and simple. However, in some cases – such as friendly or hostile relations – the grounds for recusal require greater specificity. The two terms, which are based on corresponding provisions of procedural law, are restrictive and must be handled with a sense of proportion. For example, being on a first name basis or being collegial does not constitute grounds for recusal on the basis of a friendship. It should also be noted in this connection that the chair of the committee does not have to undertake investigations of his/her own accord. Instead, the guidelines assume that the members of the committee will assume personal responsibility and be honest and disclose any grounds for recusal themselves as soon as possible (see § 4 para. 1).

It should be noted that the existence of grounds for recusal does not automatically preclude the member's involvement in the rest of the process. Instead, the member recuses him/herself when the person in respect of whom there are grounds for recusal is discussed, or in respect of whom decisions are taken (see § 4 para. 3). Otherwise, the relevant member can generally continue to participate on the committee. The guidelines do not provide an automatic mechanism according to which the recusal applies for the entire process in which the person causing the recusal is involved. § 4 para. 3 provides for a correspondingly flexible solution. However, it should be noted that the general grounds for recusal pursuant to § 3 para. 1(d) of the guidelines (“another extraneous, personal interest”) must be observed. It is thus feasible that, on the basis of grounds for recusal in accordance with § 3 para. 1(a)-(c), there will be a personal recusal, i.e., recusal only in respect of the discussions and decisions regarding a *particular* person. However, if the connection to this person is so close that there is a resulting interest in the outcome of the entire process, this may lead to a recusal obligation in accordance with § 3 para. 1(d) of the guidelines (“*another extraneous, personal interest in the outcome of the process*”). This would result in a recusal obligation for the entire process.

§ 3 para. 3 governs the recusal obligation for business matters (see also § 1 para. 3).