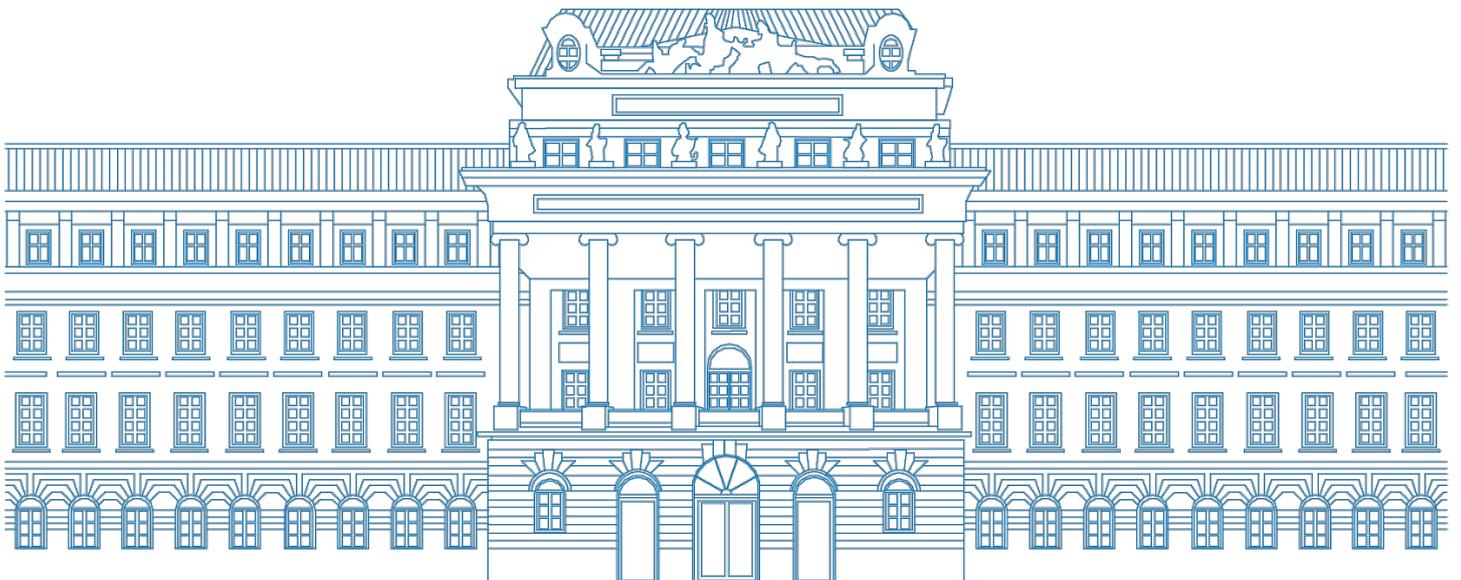




TECHNISCHE  
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WIEN

# Explanations to Biases



(online 24.05.2023)

Announcement in Mitteilungsblatt No. 20/2023 of 25.05.2023 (ser.no. 227)

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## Document Information

Resolution of the Rectorate dated:	02.05.2023
Resolution of the Senate dated:	15.05.2023
Responsible department:	Rectorate
Clerk:	Irene Titscher
Reference no:	30002.07/002/2023
Version dated:	28.04.2023

These explanations on biases replace the explanations on biases with the reference number 30002.07/004/2021 published in Mitteilungsblatt No. 45/2021 (serial no. 478) of October 21, 2021, unless the transitional regulation of these explanations is applicable.

Note: The German version is the only valid version. The English version provided is intended as a service for our international staff members and does not amend or replace the German version.

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# 1 Information Point

Questions that arise regarding the sections of the statutes on bias and appointment procedures should be directed to the appointment service (content-related) or the responsible clerk (legal) at the TU Wien.

## 2 Explanation of individual aspects of bias

### 2.1 Absolute/relative reasons for bias of the expert

When selecting assessors, a distinction must be made between absolute and relative bias. If the commission becomes aware of absolute bias, the assessor must be recused from the procedure and another appointed. If the commission determines relative bias in relation to one or more applicants, the commission shall inform the assessor of its findings, ask for an appropriate statement and, if the grounds for bias are confirmed, shall request the assessor not to assess the person or persons in question.

### 2.2 Direct official dependency

The determination of the bias “direct official dependency” should be carried out by means of a database query via the responsible deanery.

“Direct official dependency” refers to the right of the superior to give instructions (in the function as a representative of the employer). There is, therefore, no official dependency between the head of the organizational unit and the research group leader, but there is between the head of the institute and the head of the research unit.

In general, there is a “direct official dependency” between a subordinate and their immediate superior.

The direct official dependency must be assessed both from the perspective of “superior – subordinate” and from the perspective of “subordinate – superior”. This means that people who have had a direct official relationship with an applicant within the last three years - be it as a direct superior or as a subordinate (bound by instructions) - fulfill the grounds for bias.

A “direct official dependency” of students is understood to exist when they are student employees of an applicant.

### 2.3 Mutual assessments

An example of participation in mutual assessment over the past 12 months could be that the applicant has completed their habilitation and the committee member in the applicant's habilitation process is the applicant's assessor.

### 2.4 Research unit or research group of the current external scientific institution

Belonging to the same research group or the same research unit (if no research group has been established) constitutes bias. The “current scientific institution” is understood to mean, for example, a university. However, it can also mean a GmbH or AG or another legal entity (association).

## **2.5 Company, in which the applicant has had a shareholding of more than 25% within the last three years and in which the commission member or the assessor was professionally active as a member of a board of directors or a supervisory board**

A company, in which the applicant has had a shareholding of more than 25% within the last three years and in which the commission member is professionally active or was a member of a board of directors or a supervisory board, is for example a 25% stake in a GmbH, AG or GmbH & Co-KG. If the bias applies, the biased person would have to be (or have been) active in the management/board of directors or on the supervisory board or supervisory body in this company. This does not mean working on an advisory board (as a purely advisory body).

## **2.6 Company, in which the applicant and the commission member have been employed in a reciprocal function on the board of directors and supervisory board within the last 3 years**

This means that the applicant and the commission member held reciprocal executive functions at the same time within the last 3 years. This applies, for example, if the applicant (the applicant does not have to be involved in this) works as a managing director/member of the board of a GmbH/AG and the commission member works on the supervisory board at the same time. Working on an advisory board is not comparable to a supervisory board because the advisory board only advises but does not exercise a supervisory function like a supervisory board. The reverse distribution of roles also applies: The applicant is on the supervisory board and the commission member is active in management or on the board.

## **2.7 Non-participation as a spokesperson if the member of the commission is biased**

The exclusion of the biased appointment committee member from the appointment committee precludes participation in the appointment committee as a person providing information.

Biased appointment committee members may be present during the interview with the applicants if their presence is deemed necessary by the appointment committee (e.g. the organizational unit heads who have information relevant to the applicants). These people only act as spokespersons and participation in the discussion is not permitted.

## **2.8 Support of the habilitation candidate as a mentor**

The assessor must be replaced in the habilitation process if they have supported the habilitation candidate as a mentor leading up to the habilitation process being initiated. In this context, a mentor is understood to be a person who has provided the habilitation candidate with significant academic and/or resource support during the habilitation phase (e.g., scientific collaboration with the habilitation candidate or advice to the habilitation candidate).

# **3 Transitional regulation**

For committees established on the day following the publication of the amendment to the statutes section *Mitteilungsblatt* 2023, 20th part, no. 227 [note: this is the *Mitteilungsblatt* in which this amendment is published], the part of the statutes section biases, *Mitteilungsblatt* Nr. 45/2021 of 21.10.2021 (no. 478) (university gazette), ref. no. 30002.07/004/2021, shall continue to apply.