

“Criteria for exclusion of partiality”

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Appointment procedures according to sections 98 and 99, paragraph 4 of the University Act

The Rector’s Office and the Senate of Technische Universität Wien are committed to academic appointment procedures according to the highest international standards. This also includes the exclusion of partiality. The following remarks are meant to contribute to achieving this objective and are to be taken into account both by the members of an appointment commission as well as by referees. The attention of nominated members of a commission and referees must be drawn in an appropriate¹ manner to the following points. Participation as a commission member or a referee contrary to the criteria cited is only possible in justified exceptional cases after prior approval by the Senate.

The basic principle is:

Appointment commission members as well as referees must have a distance to the applicants needed for an objective evaluation. They may neither stand in a close association to the applicant’s professional career or private life. To implement this objective, the chairperson of the appointment commission must ensure that cases of partiality can be excluded.

Considered partial in any case is

- former incumbents of the position to be filled, and
- applicants.

The above persons are to be excluded from the very beginning as commission members or referees. It must, moreover, be borne in mind that transferring from commission members or referees to the role of an applicant, and vice versa, is excluded.

In addition to that, partiality tests are to be performed at the following key junctures of the appointment process:

1. Partiality test after a scan of all applications

Members of an appointment commission who find upon receipt of all applications that partiality obtains according to items 4.1 and 4.2 must at the latest enter this in the minutes at the beginning of the corresponding meeting of the appointment commission.

If partiality according to 4.1 obtains then the relevant commission members may participate during pre-selection. However, they may not express their views about the applicants who have given rise to concerns about partiality. In addition, they must leave the meeting room during deliberation and voting regarding those applicants and may only participate in the meeting after voting has been completed.

¹ “Appropriate” in this context means a written confirmation of the referees or an equivalent notation in the minutes regarding the procedural steps cited in items 1 through 3.

2. Partiality test in the selection of referees

In consultations on the selection of referees, the criteria according to item 4.3 on the exclusion of cases of partiality must be applied. On receiving the pertinent documents, the referees will be ordered by the chairperson of the commission, and prior to providing a reference, to sign a written partiality statement and will be obliged to immediately report to the appointment commission any partiality or status of dependence.

Moreover, the following points are to be complied with when appointing a referee:

- Applicants may not themselves propose referees.
- Applicants may not directly send the documents required for the reference to the referees.

3. Test of partiality for consultations on short-listing of applications

If partiality obtains according to 4.1 in regard to applicants who are short-listed then the member must resign from the commission. In concrete terms this means: If the applicant remains on the short list then the member considered to be partial must be replaced on the appointment commission. Either a substitute member already appointed by the Senate will take on the tasks or a further commission member must be appointed as quickly as possible and in accordance with the bylaws.

Decisions adopted during the proceedings differing from the composition of the commission according to the appointment bylaws (Part 1, section 4, paragraph 1 and Part 2, section 19, paragraph 1) must be confirmed or revoked after resumption of membership or after admission of new members. At the latest for final voting on the proposal to fill the position, the composition of the commission according to the appointment bylaws (Part 1, section 4, paragraph 1 or Part 2, section 19, paragraph 1) must be ensured.

4. Grounds for partiality that must be taken into account in carrying out appointment procedures and selection of referees

4.1 ... and which in consultations on the short list of applications result in exclusion from the appointment commission

- a. Previous or existing relationship of consanguinity or conjugal affinity up to the second degree or a previous or existing marital, registered or non-marital cohabitation relationship with applicants
- b. Persons who within the last three years have been in a position of employment dependency with an applicant
- c. Persons for whom the applicant worked within the last three years as the member of a board of directors or a supervisory body²
- d. Persons who have exercised the function of primary coach for a dissertation within the last six years or referee for a post-doctoral dissertation within the last four years

² This criterion does not apply to appointments according to section 99, paragraph 4 of the University Act.

- e. Participation in mutual providing of references within the past 12 months²

4.2 ... and which exclude functioning as a commission chairperson

The following criteria apply in addition to those cited under 4.1:

- a. Membership in or impending transfer of a member of the appointment commission to the same research group or the same research section (if no research group has been set up) to which the position declared vacant is to be allocated within the university
- b. Membership in or impending transfer of a member of the appointment commission to the present academic institution of the applicant²
- c. Membership of academic staff members to the same research group or the same research section (if no research group has been set up) as the professor's position to be filled

4.3 ... and require replacement of the referee

- a. Previous or existing relationship of consanguinity or conjugal affinity up to the second degree or a previous or existing marital, registered or non-marital cohabitation with applicants
- b. Persons who within the last three years have been in a position of employment dependency with an applicant
- c. Persons for who have worked for the applicant within the last three years as the member of a board of directors or a supervisory body
- d. Persons who have exercised the function of primary coach for a dissertation within the last six years or referee for a post-doctoral dissertation within the last four years
- e. Participation in mutual providing of references within the past 12 months
- f. Membership of a referee in the same research group or the same research section (if no research group has been set up) to which the position declared vacant is to be allocated within the university
- g. Membership of a referee in the current academic institution of the applicant²

4.4 ... and which require disclosure after scanning of all applications, including the applications included in the procedure according to the appointment bylaws (Part 1, section 5, paragraphs 3 and 4 as well as Part 2, section 20, paragraph 3)

- a. Close academic collaboration of a member of the appointment commission, e.g. conducting of joint projects or joint publications within the last three years
- b. Membership in or impending transfer of a member of the appointment commission to the same research group or the same research section (if no research group has been set up) to which the position declared vacant is to be allocated within the university
- c. Membership in or impending transfer of a member of the appointment commission to the current academic institution of the applicant²
- d. Simultaneous activities in the consultative bodies of the applicants' institution, e.g., in academic advisory committees²

All grounds cited must be documented in the minutes.

Decision of the Rector's Office dated 13 June 2017

Decision of the Senate dated 26 June 2017

Publication in University Gazette no. 19/2017 dated 20 July 2017