

HBP Policy on transparency and management of interests

Ensuring transparency, trust and accountability by implementing safeguards. promoting a culture of honest disclosure and dialog through a “prevent rather than discipline” approach

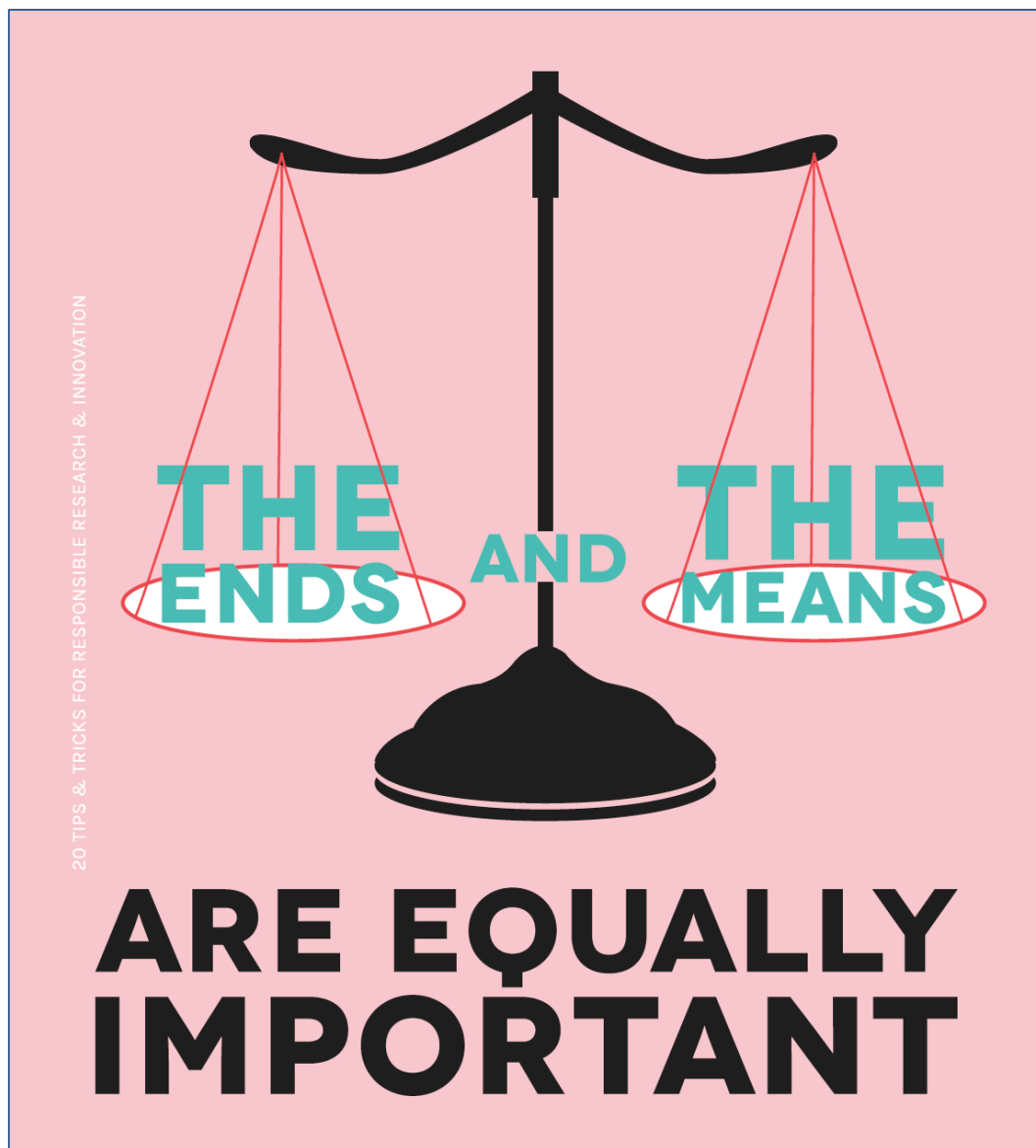


Figure 1: Excellent science includes responsible and accountable best-practices.

From: Tips & Tricks cards created and designed by Knowle West Media Centre (KWMC), in collaboration with ENoLL Thess-Ahall - <https://newhorizon.eu/tips-tricks-cards-for-rrri/>

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Abstract:	This policy aims at providing both a formal ground for the management of interests as well as relevant comprehensive considerations on research integrity, transparency and scientific best practices. The policy is part of broader effort towards supporting a culture of reflective responsible practices in research, in the HBP and in the transition to EBRAINS.		
Keywords:	Openness, Transparency, Disclosure, Responsibility, Inspiring and supporting trust, Accountability, Responsible and reflective practices, Awareness, Compliance, Research Culture, Best practices, Research Integrity.		
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Acronyms used in this document

CA (or FPA-CA)	Consortium Agreement
Col	Conflict of Interest
DIR	Directorate
Dol	Declaration of interests
EAB	Ethics Advisory Board
FPA	Framework Partnership Agreement
OP	Ombudsperson
Rol	Register of interests
SB	Stakeholder Board
SIB	Science and Infrastructure Board
SOP	Standard Operating Procedure
ToR	Terms of Reference

Foreword:

We often see Conflicts of Interest exposed in the media as major societal scandals and may feel like we don't hold such positions of power with the potential to significantly impact society. In reality, each individual has interests and commitments that may eventually, at some point in one's life or career, create a situation of a conflict with other's interests or with the Project's Objectives. At that point, such situations may materialise into Conflicts of Interest, or they may not, and this is not necessarily critical.

Conflicts of Interest potentially concern everyone, at different levels, with different impacts and consequences; being reminded of some unconscious biases never harms; supporting a culture of responsible practices also means going beyond contractual requirements towards preventive and reflective best-practices.

This policy aims at providing a formal ground for the management of interests as well as relevant comprehensive considerations on research integrity, transparency, and scientific best practices. They result from a reflection on how to implement safeguards to avoid Conflicts of Interest and to promote a culture of disclosure, transparency and responsibility.

The **definitions** are the basis of the present policy. There are only a few of them but they try to capture what "Interests" are about, and then attempt to outline how obvious it is that, almost inevitably, at some point of a researcher's career, some interests end up colliding with each other, generating a Conflict of Interest.

Since this Policy **aims at going beyond simple compliance**, the central concept "Conflicts of Interest" was given an additional layer of granularity, as an invitation to realise there might be more to Conflicts of Interest than what one could have initially fathomed, and that the exercise of declaring interests can go much further as it is a basis for transparency and trust.

Through the present policy, the HBP really favours a preventive approach and strongly supports the positive resolution of Conflicts of Interest. However, misconducts and failures to declare or comply do have consequences and it remains **each individual's responsibility** to declare their interests honestly and transparently.

Only by setting the highest standards for ourselves can we maintain trust in science and truly serve society; this applies to excellence in research but also to responsibility and integrity in how we manage our projects.

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1. Purpose

As the Human Brain Project (HBP) moves towards the EBRAINS Research Infrastructure, transparency, accountability, and the disclosure of interests are ever more central to ensuring trust and protecting the integrity of the Project, its participants, and the Outputs generated and enabled.

The subject of Conflicts of Interest is more complex than it looks and is often reduced to a simplistic and narrow compliance requirement when it should be considered through a wider lens as an exercise that encourages a reflection on how an individual's different activities and commitments can overlap, resulting sometimes in situations where interests or loyalties are or appear to be conflicting with each other. When such situations occur, the participation of said individual in evaluations or decisions can be questioned and the entire Project's transparency and trustworthiness can be negatively impacted. This policy provides the basis for:

- **DEFINING** more precisely and in a more granular fashion what is considered to be a Conflict of Interest and the related notions
- **DECLARING** one's interests in a pro-active way and using this exercise as an opportunity to reflect on how one's involvement in various activities can sometimes hamper our ability to decide objectively in certain situations or impact other people's perception on the transparency and fairness of the decision-making processes
- **MANAGING** interests - and potentially the conflicts that can materialise - in such EU-wide initiatives in a comprehensive, fair, yet rigorous way. It also serves as a reminder of the measures that can be implemented to sanction serious misconduct.

This document also serves as a reminder that the HBP does not tolerate violation of research integrity or misconduct.

Basic principle: Interests should be declared if, in the view of a reasonable person, they are relevant, or could be perceived to be relevant, to the work of the individual / project / committee in question.

2. Key Definitions

Table 1: Key definitions

CONFLICT OF INTEREST (Col): A Conflict of Interest is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest. The entire exercise relies on understanding the definitions, an additional level of granularity has been added in the present policy to distinguish:		
Actual Col	Potential Col	Perceived Col
An actual (or real) Conflict of Interest occurs when an individual or institution has two competing interests, one of which interferes with or undermines the ability to fulfil responsibilities / leads an employee to act outside of the best interests of the organisation.	A potential Conflict of Interest occurs when it is more likely than not that an individual or institution will have two competing interests in the future, one of which is likely to interfere or undermine researchers' or the institution's ability to fulfil their responsibilities.	A perceived Conflict of Interest occurs when an individual or institution may reasonably be understood as having two competing interests, one of which is likely to interfere or undermine their ability to fulfil their responsibilities. It may be neither Actual nor Potential but still may lead other people to have reasonable doubt with regards to the information they have.

EXAMPLE: A scientist is asked to review an article that reports results that could refute a hypothesis that she has defended for over twenty years.	EXAMPLE: A member of staff chairs a committee which may be tasked, in the future, to consider the allocation of funds to be shared between a number of labs / departments, including their own.	EXAMPLE: A member of a committee that reviews proposals / applications for funding is married to a member of a lab that is applying for the funding. The committee member has already informed the committee and is stepping down from any discussion and decision on the matter. However, the matter has been addressed internally; consequently, an applicant from another lab could think that the committee evaluating the application has conflicting interests and could decide to refer directly to higher authorities, given that they do not know about the mitigation already in place.
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CONFLICT OF LOYALTY (CoL): An interest and expertise in a particular field understandably leads to some people serving on the boards of two organisations that may be in indirect or even direct competition for funding, prestige, staff, or board members. These kinds of dual loyalty situations are unrelated to personal financial gain, but nonetheless raise difficult questions.

Example - Conflict of Loyalty: You are on the boards of two arts organisations: one a chamber orchestra and the other an ethnic dance festival.

Situation 1: You have a friend you could ask for a major donation. Which organisation should you ask your friend to support?	Situation 2: At the board meeting of the orchestra, you hear that a local foundation is starting to give arts grants. You know that the dance festival hasn't heard this news. Should you tell the dance festival about the new grant opportunity?
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BENEFIT FROM INTEREST (BFI): In practice, what makes something a Conflict of Interest can also end up being a benefit from interest, or a good arrangement for the non-profit. For instance, a board member who owns a building may reduce the rent for a non-profit. They are important reminders for non-profit boards to recognise the twin aspects of benefit and detriment that can result from a potential Conflict of Interest situation.

NOTE: Potential and perceived conflicts of interest need not turn into real conflicts of interest, and not all real conflicts of interest could have reasonably been foreseen as a potential Conflict of Interest. Mismanaged potential and perceived conflicts of interest, even when they do not turn into real conflicts of interest, may undermine the trust and public confidence of a research project, and may make it more difficult for researchers to fulfil their responsibilities.

3. Reference documents

Table 2: Reference documents

HBP - PUBLIC DOCUMENTS AND RESOURCES	
Documents	Location
Framework Partnership Agreement (FPA)	https://www.humanbrainproject.eu/en/about/governance/framework-partnership-agreement/
HBP Ombudsperson - SOP	https://drive.ebrains.eu/d/3f9e6a11c8904c5c9d53/
EXTERNAL REFERENCE DOCUMENTS	
ALLEA European Code of Conduct for Research Integrity	https://www.allea.org/wp-content/uploads/2017/05/ALLEA-European-Code-of-Conduct-for-Research-Integrity-2017.pdf
Horizon 2020 Model Grant Agreement (AGA) - Chapter 4 - Section 4 - Article 35	Model AGA - Page 274 of the PDF ¹

¹ https://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/amga/h2020-amga_en.pdf

OECD guidelines for managing
Conflicts of Interest in the public
sector

<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0316>

4. The Process

The management of interests in the HBP starts with the yearly Declaration of Interests but managing interests and avoiding conflicts of interest is a continuous process where the Chairperson of each body or committee is responsible for enforcing the present policy and each individual member for providing up-to-date honest and transparent information. The process starts with the yearly declarations of interests as highlighted in Figure 2, but what the present policy aims at clarifying is that, most and foremost, the management of interests is a continuous process that takes roots in a broader responsible research culture.

The process is also a reminder of the responsibility of individuals and of the chairperson of each body / board / committee. The EAB will base its review and recommendation on a report that includes information provided by the HBP governance staff (the RoI team) and conclusions provided for each body / board / committee by its chairperson. regarding the group each of them chairs. This part is further detailed in Section 4.1.3.

The present document, once implemented, replaces the SOP relative to Cols.

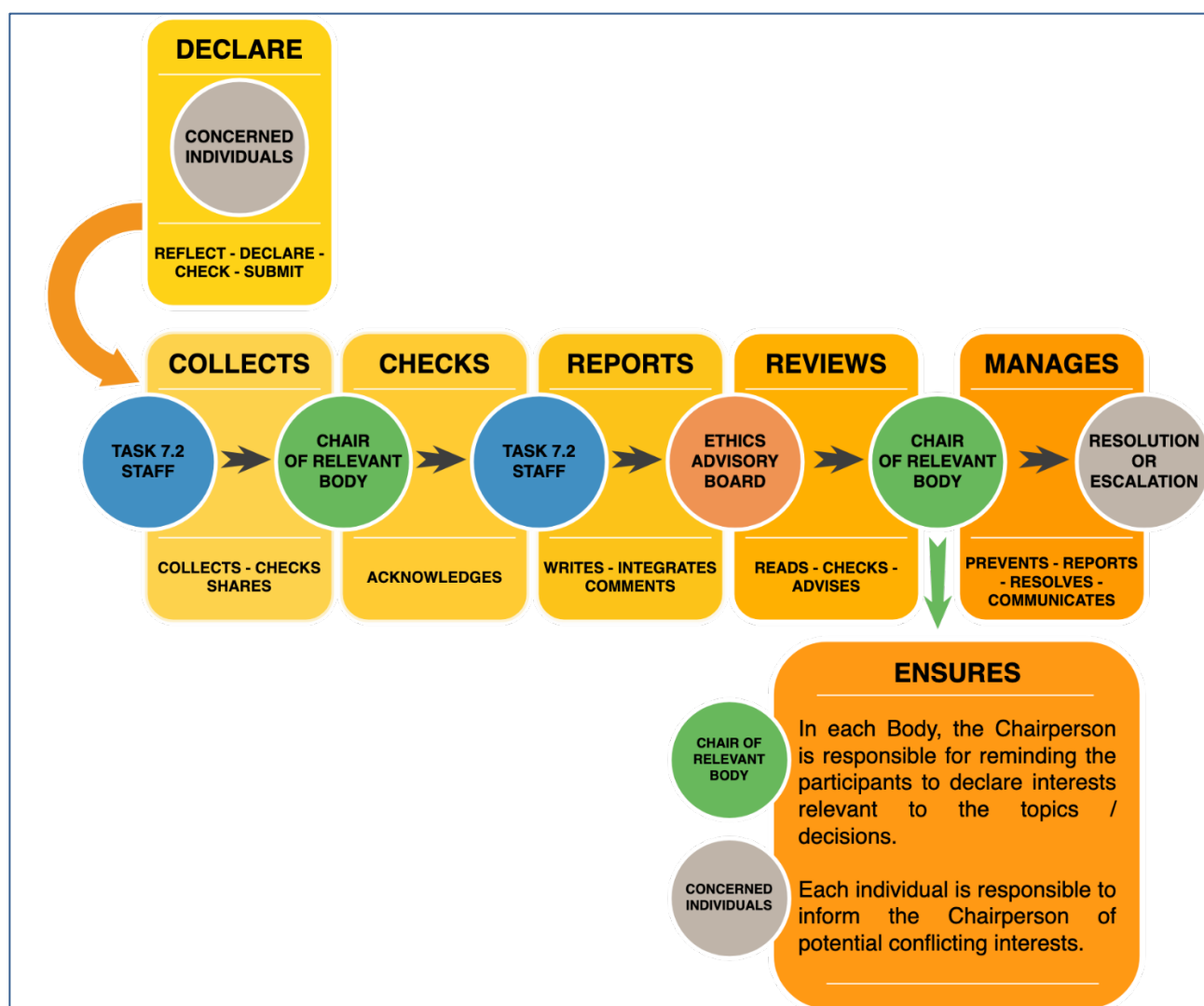


Figure 2: High-level view of the management of interests in the HBP

4.1 Declaration of Interests

4.1.1 *Annual declaration of interests*

FPA Consortium Agreement (FPA-CA-65003) article 11.3 (which is signed by each institution involved in the HBP) “Members of Governance Bodies, Advisory Boards and Coordination Committees shall register their potential conflicts of interest in the appropriate Conflicts of Interest registry. The Ultimate Decision-making Body will decide whether a Conflict of Interest will affect the participation of such Members in the Action.”

The declaration of interest is a mandatory requirement for all members of decision-making bodies and members of committees who are involved in selection processes or funding allocation. During SGA3 the following individuals may be asked to register their interests:

- Members of the Governing Bodies (DIR, SIB and SB)
- Members of the Advisory Boards (SIAB and EAB)
- Members of the Access Review Committee (ARC)
- Other individuals, such as the Ombudsperson
- Members of specific groups, where appropriate

Before starting to declare their interests on the online form, individuals

- Should make sure that they have enough time and availability to dedicate approximately 15 to 20 minutes to fill the form.
- Must have read the present policy, filled in and signed the Declaration of Honour at the end.

After completing the form, the declarants are invited to **go through their answers again** to ensure that they have provided relevant, honest, and complete information.

Finally, the declarants are requested to fill in the “**I acknowledge**” field and **sign with their name before clicking on the “submit”** button.

The information for members who are required to make declarations shall be collated by the administrative support staff for each Body, Board or Committee and passed on to Linnaeus University who will maintain the overall Register of Interests (RoI) on the HBP Collaboratory. RoI data will be stored for the life of the HBP plus a two-year audit period.

The Register will be made available to any member of the HBP or the public upon request. It will be forwarded to individuals tasked with activities that may raise conflicts of interest, for example, Open Calls. Chairs and Vice/Co-Chairs of each HBP Governing Body will receive the RoI of all their respective members for information and to raise awareness of any potential issues should they arise during their meetings.

4.1.2 *In service disclosure of interests*

Individuals must promptly disclose all relevant information about a conflict when circumstances change after their annual declaration has been made, or when new situations arise, resulting in an emergent Conflicts of Interest. In most cases, internal declaration - at the start of a meeting for example - is sufficient to ensure that integrity is being managed appropriately and does not require the update of the public declaration of interests; it is the responsibility of the Chairperson to decide on a case-by-case basis, if the internal declaration is insufficient to ensure transparency and accountability.

4.1.3 *Review of the declarations*

When all the Declarations of Interest have been collected through the online form, the team that is responsible (“RoI Team”) for maintaining the Register of Interest (RoI) will coordinate the review process (see Table 3), involving the Chairperson of each relevant body - board - committee (“Group”), the Ethics Director and the EAB, and prepare the RoI review report.

Table 3: Process for the review of the RoI

Steps / actions	Who performs the action	How - where
Declaration of Interest (DoI)	All relevant individuals	Using the online DoI form
Collect all Dols	RoI Team	Collected from the DoI submitted online forms Stored on HBP Collaboratory
First check of Dols and organisation by Body - Board - Committee - pre-fill of information in the follow-up tables	RoI Team	Follow-up table based on template below (Table 4)
Send Dols to each chairperson	RoI Team	
Review Dols and provide comments for each member + a general overview conclusion	Chairperson(s)	Follow-up table
Collect follow-up tables and include in the report	DoI Team	RoI Report
Review the RoI report and provides a comment for each body and an overall comment on the report	Ethics Director	RoI Report
Review the RoI report, provide conclusions and recommendations to the Ethics Director	EAB	RoI Report
Finalise RoI report	RoI team	RoI Report
Send report to DIR and SB for their information.	Ethics Director	RoI Report

The EAB’s review is not an audit of the Register of Interest. The role of the EAB in this process is limited to providing an independent opinion on the Register of Interests and to report to the Ethics Director. Should the EAB consider that there are issues which require further investigation, such as actions and mitigation measures, they will include such recommendation in their report.

The EAB is not accountable or liable for the any information in the Register of Interests, nor is it responsible for any missing or erroneous information. Each individual filling in a declaration of interests is accountable for the trustworthiness of the information provided. When submitting their DoI, the individuals endorse the responsibility and acknowledge that they have declared all relevant interests in good faith.

Table 4: Follow-up table template for RoI report

Body - Committee	Name of declarant	Declaration submitted on:	Declaration sent to chair on:	Assessment by chair - comment.
DIR	[Name]	DD/MMM/YYYY	DD/MMM/YYYY	No Concern Potential Col Perceived Col Other concern
DIR	[Name]	DD/MMM/YYYY	DD/MMM/YYYY	
Total number of members	x		Total number of Dols submitted	X
Conclusion by Chairperson (mandatory)				
Ethics Director comment (mandatory)				
Comment by the EAB (if any)				

4.2 Managing Conflicts of Interest

4.2.1 *General concept: Prevent rather than discipline*

Avoiding Conflicts of Interest is a continuous process. It is both:

- 1) **The responsibility of the Chairperson** of the body / committee / meeting to ensure that the members / participants are reminded about potentially arising ColS and to systematically check when they deem necessary.
- 2) **Each individual's duty to pro-actively declare** when a concern arises regarding actual, potential or perceived ColS. It is only by adopting this pro-active culture and by following strict rules that we can ensure transparent and informed decision-making.

All HBP members shall adhere to the following general rules:

- Whenever there is a possibility of a Col the affected HBP member will make this Col transparent and inform the Chairperson
- Members with a Col will physically step out of the room or interrupt electronic communication in an equivalent way when issues pertaining to the Col are discussed and refrain from exerting any influence on the decision-making process
- Col issues are included as a standing item on agendas and minutes related to funding decisions

Framework Partnership Agreement (FPA) 41.1 Obligation to avoid a Conflict of Interest

The partners must take all measures to prevent any situation where the impartial and objective implementation of the specific actions is compromised for reasons involving economic interest, political or national affinity, family or emotional ties or any other shared interest ('Conflicts of Interest').

They must formally notify to the Commission without delay any situation constituting or likely to lead to a Conflict of Interest and immediately take all the necessary steps to rectify this situation. The Commission may verify that the measures taken are appropriate and may require additional measures to be taken by a specified deadline.

4.2.2 *Resolving Conflicts of Interest*

Each situation is different, and many variables are to be considered. The aim of this policy is indeed to prevent Conflicts of Interest and to manage them wisely and positively as much as possible if and when they happen. The notion of Proportional Consequences for non-compliance is important as it:

- Ensures fair and reasonable measures both ways, depending on the gravity of the situation
- Serves as a warning, as some conflicts of interest might require disciplinary measures beyond positive resolution

4.2.2.1 *Temporary step-down*

Members who are reasonably suspected to have a Conflict of Interest and who have not complied with the general rules mentioned in Section 4.2.1 will be invited by the Chairperson of the relevant body, board or committee to step down temporarily from their leadership and HBP positions. This voluntary suspension of duties will be in place for the duration of internal or external investigation.

Should the member fail to follow this invitation, the Chairperson of the relevant body, board or committee can initiate a vote with a $\frac{2}{3}$ majority to remove the member from their position for the duration of investigation.

If the relevant body, board or committee votes not to remove the member, the reasons for this decision should be recorded in the minutes.

4.2.2.2 Investigation and Positive resolution

If a Col materialises, an investigation shall be **initiated by the chairperson** of the relevant body, board or committee to review the context and responsibilities and to adopt the appropriate measures with regards to the facts, the potential consequences on the Project and the potential misconduct of the individual concerned.

Should the report determine that a Conflict of Interest exists, the resolution of the conflict will have to be resolved prior to continuing the activity. Each Col will be resolved on an individual basis and will follow certain principles and rules:

- Clear fact checking and evaluation of the situation
- Clear explanation on the confidentiality of the information disclosed
- Impartial judgment
- Communication on appropriate mitigation measures
- Transparency on the decision

Options for positive resolution or management of a continuing or pervasive conflict can include one or more of several strategies as appropriate, for example:

- Recusal of the individual from involvement in an affected decision-making process
- Restriction of access by the affected individual to particular information
- Resignation of the individual from the conflicting private-capacity function
- Resignation from their role in the governing body / position concerned

Recusal and restriction - Where a particular conflict is not likely to recur frequently, it may be appropriate for the individual concerned to maintain their current position but not participate in decision making on the affected matters, for example by having an affected decision made by an independent third party, or by abstaining from voting on decisions, or withdrawing from discussion of affected proposals and plans, or not receiving relevant documents and other information relating to their conflicting interest.

Resignation - Individuals should be required to remove the conflicting interest if they wish to retain their position and the Conflict of Interest cannot be resolved in any other way (for example by one or more of the measures suggested above). Where a serious Conflict of Interest cannot be resolved in any other way, the individual can be required to resign from their position in the concerned body / committee.

Transparency of decision-making - Registrations and declarations of interests, as well as the arrangements for resolving conflicts, shall be clearly recorded in formal documents, to enable the HBP to demonstrate, if necessary, that a specific conflict has been appropriately identified and managed. Further disclosure of information about a Conflict of Interest may also be appropriate in supporting the overall policy objective, for example by demonstrating how the disclosure of a specific Conflict of Interest was recorded and considered in the minutes of a relevant meeting.

4.2.2.3 Failure to declare and serious misconduct / non-compliance with the present policy

Any concerned individual who would fail to comply with the decided resolution shall be considered as breaching its obligation. Any serious breaches involving an actual conflict may result in personal sanctions. If such cases were to occur, the HBP shall coordinate the resolution with the HBP Stakeholder Board and the European Commission (EC).

In such exceptional situation, the relevant governing bodies of the HBP in agreement with the EC will coordinate the necessary measure and implement the relevant /applicable processes.

Framework Partnership Agreement (FPA) - Article 41.2 Consequences of non-compliance: If a partner breaches any of its obligations under this Article, the grant may be reduced (see Article 49) and the Specific Agreement or participation of the partner may be terminated (see Article 56). Such breaches may also lead to any of the other measures described in Section 5.

4.2.3 *Appeal*

Should an individual consider that their Conflict of Interest has not been fairly resolved by the relevant Chairperson, the body, the board or the committee, they can appeal to the HBP Stakeholder Board as the ultimate decision-making body or may contact the ombudsperson.

During this procedure, the concerned individual shall respect the rules set out in Section 4.2.1 and refrain from any participation in discussions or decisions related to the Conflict of Interest.

4.2.4 *The possible intervention of the ombudsperson*

The HBP has an agreement with an Ombudsperson (OP) which is detailed in a dedicated [SOP](#)². “The Ombudsperson of the HBP is an independent and neutral person who shall, when necessary, assist in resolving issues related to research integrity as defined in the ALLEA European Code of Conduct for Research Integrity, by offering a protected environment for the reporting of emerging issues.”

“The OP shall function as an independent and impartial body, who can be contacted by anyone who is of the opinion that their case has not been properly handled by the regular procedures in place at the employer institution or does not comply with the HBP agreement or standard reporting systems.”

In other words, and since the management of interests is an integral part of the ALLEA Code of Conduct, if the resolution of a Col requires the advice or a more in-depth intervention of an independent third party, both parties involved in the resolution can contact the Ombudsperson and seek their expertise.

5. Declaration of Honour

As a first step in the Dol process, the declarants will have to acknowledge and confirm that they have read the HBP Policy on Transparency and management of interests and that they agree with the basic principles, by ticking boxes on the dedicated form.

Before submitting their Dol, the declarants will be asked to confirm that the information provided in the Dol, including in the declaration of honour, is correct.

² HBP Ombudsperson - Standard Operating Procedure - <https://drive.ebrains.eu/d/3f9e6a11c8904c5c9d53/>