

Guidelines on the Impartiality of Expert Committees at OsloMet

1. Introduction

Section 6 of the Public Administration Act contains provisions regarding impartiality. The purpose of the provisions is to prevent you as a public servant and others who perform services or work for an administrative agency (see section 10 of the same Act,) with a personal interest in the outcome of a case from making decisions and from preparing the basis for decisions. The provisions are also intended to protect you from having to deal with cases in which you have a personal interest.

The provisions give you the right and obligation to decline to consider a case in which you consider yourself disqualified. Declining on the grounds of the legal requirement of objectivity or of other provisions stated in these guidelines in no way constitutes an admission that your conduct would have been biased.

You must make a personal assessment of your impartiality with respect to sitting on an expert committee. If you are in doubt, you should contact the requesting faculty as soon as possible to discuss the matter. The fact that you are in doubt increases the likelihood that others may question your impartiality, so it is important that we can prove that the matter was discussed and thoroughly considered – regardless of what conclusion was reached.

We therefore ask you to review the following checklist. If you answer no to all the items in the checklist, you can agree to sit on the expert committee. Once the committee is appointed, you will receive the applications and academic material for evaluation. You will also receive a contract containing a declaration of impartiality. You confirm your impartiality by signing the declaration.

2. Checklist

Items	Comments
Automatic disqualification	
a) if you are a party to a case; b) if you are related by blood or marriage to a party in direct line of ascent or descent, or collaterally as close as a sibling; c) if you are or have been married or engaged to a party, or are the foster parent or foster child of a party; d) if you are the guardian or agent of a party to the case or have been the guardian or agent of a party after the case began; e) if you are acting, or have acted during the past three years, as supervisor for a party studying for a doctoral degree.	Items (a) to (d) conform with section 6 of the Public Administration Act. Addendum to (c): you must also disqualify yourself if you cohabit with or are in a relationship with a party; If you answer yes to any of these questions, you must inform OsloMet that you cannot accept the assignment.
Discretionary assessment	
Close personal or professional relationship a) Close friendship (more than just an acquaintance) b) Professional cooperation (such as collaboration or co-authorship) c) Personal or professional conflict of interest	Addendum to (a): A purely collegial does not warrant disqualification. Addendum to (b): Both scope and proximity in time are elements that should be assessed; see section 3.1 below. Addendum to (c): See section 3.2 below.

Possibility of personal advantage/loss/inconvenience	To be disqualified, you or someone with whom you have a close relationship must have some degree of personal interest in the outcome of a case.
Other special circumstances that are apt to impair confidence in a decision	The control question that must be asked is: How does this look when viewed from the outside? See section 3.3 below.
Overall assessment	
Could some of the abovementioned factors be called into question in your particular case?	It is vital that all pertinent factors be assessed on a case-by-case basis. If more than one factor emerges simultaneously, this may increase the likelihood of disqualification.

3. Discretionary disqualification

When no grounds exist for automatic disqualification, disqualification should nonetheless be assessed on a discretionary basis. An assessment should be made of whether other special circumstances exist that are apt to impair confidence in a decision where you were involved in the decision-making process. Importance should be attached to whether a decision in a case may increase the likelihood of advantage, loss or inconvenience for you personally or for someone with whom you have a close personal relationship.

3.1 Close professional collaboration, including co-authorship

If you have, or until recently had, a close professional relationship with an applicant, you may be disqualified because such close professional collaboration may affect your ability to make an impartial assessment.

Generally speaking, it would take a lot for collaboration in the line of work duties to warrant disqualification; the nature of the collaboration must be exceptionally close and extensive before it alone can give rise to the question of disqualification. Normal collaboration in the line of work duties or contact based on work in the same field will not ordinarily lead to disqualification.

The Public Administration Act opens for a broad discretionary assessment in which the decisive factor is to ascertain the existence of "special circumstances" and whether these are "apt to impair confidence" in impartial assessments. However, the policy adopted by OsloMet is that academic superiors should not be involved in assessing the work of their own subordinates. Even though doing so would not necessarily constitute disqualification, it could lead to awkward and unpleasant situations for both parties, and may raise doubts about decisions. Because we want to avoid such situations as far as possible, you should notify the requesting faculty accordingly.

Although co-authorship constitutes collaboration, it does not necessarily warrant disqualification. The number of contributors to a publication and the role you played may give some indication of the likelihood that the collaboration is close enough to warrant disqualification. For example, editorial responsibility normally does not warrant disqualification. On the other hand, it would seem reasonable to consider you, as a co-author, to be disqualified if assessment of the applicant's portion also essentially entails a review of your own participation or if you, by virtue of your co-authorship, are perceived to vouch for the applicant's work. However, co-authorship is rarely viewed in this way; for example, in areas where such joint works are the norm and the work in questions has little significance for the overall assessment.

The proximity in time of the collaboration/co-authorship may also carry significance. Collaboration conducted within the past three years normally warrants disqualification; collaboration conducted before that would need to be considered in conjunction with the degree of closeness of such collaboration.

3.2 Conflicts of interest

Membership of an expert committee does not mean that you are required to have no preconceived opinions whatsoever on an applicant's professional qualifications. Nor will you be disqualified if you have expressed professional disagreement with an applicant. However, if your preconceived opinion could be said to be particularly marked and so biased in its emphasis that it is apt to impair confidence in the objectivity and impartiality of an assessment, you ought to consider declining an invitation to sit on a committee. The same ought to apply if you have a personal conflict of interests with an applicant.

3.3 Other special circumstances

There is good reason to believe that if you have personal doubts about your impartiality, others may do so, too. Having such doubts will not necessarily lead to your being disqualified, but if it is highly probable that someone will question your impartiality, this would impair confidence in the assessment made by the expert committee. Should your impartiality be questioned, your signed declaration will enable OsloMet to demonstrate that your impartiality was assessed and found to be intact on appointment to the expert committee.

4. Overall assessment

If some of the items in the checklist raise questions or are apt to impair confidence in an assessment, you ought to reply that you consider yourself disqualified from sitting on the expert committee, even if the factors in isolation do not warrant disqualification.