

## **Rules of Procedure at the Foundation for Polish Science in the Event of a Possible Violation of Ethical Rules or Failure to Apply Good Practice in Science**

*(adopted by FNP Executive Board resolution no. 123/2023 of 5 December 2023)*

### **§ 1 APPOINTMENT AND OPERATING RULES OF THE ETHICS AND GOOD PRACTICE COMMISSION**

1. These Rules govern the procedures connected with the Code of Ethics for Beneficiaries and Candidates in Programmes of the Foundation for Polish Science and rules on avoidance of conflicts of interests applied to experts appointed by the Foundation for Polish Science ("FNP").
2. The Ethics and Good Practice Commission (the "Commission") shall issue opinions in matters involving possible violation of ethical rules or failure to apply good practice in force at FNP referred to in §1(1) by beneficiaries and candidates in the Foundation's programmes, reviewers or panellists. The Commission shall comprise from five to nine persons from Poland or abroad, enjoying recognition and an irreproachable reputation in the scientific community, appointed by the FNP Executive Board.
3. A member of the Commission shall be appointed for a period of two years. At the end of that period he or she may be reappointed, but the total period of service as a member of the Commission may not exceed six years.
4. The FNP Executive Board shall appoint a Chair (the "Chair") and a Vice Chair (the "Vice Chair") from among the members of the Commission. The Vice Chair shall assist the Chair. The Vice Chair shall take the place of the Chair when the latter cannot carry out his or her duties, when the office of Chair is vacant, when there is a conflict of interests preventing the Chair from acting in a given matter, or at any request of the Chair.
5. The Commission shall consider matters in a panel of at least three persons designated in each instance by the Chair along with the decision to initiate a proceeding, after considering the availability, field, potential conflicts of interest of members, and the like (a "Panel").
6. The Chair shall be appointed each time to the Panel referred to in §1(5), unless there is a potential conflict of interest or the Chair resigns from participation in consideration of a given matter. In such case, the Chair is replaced by the Vice Chair. In the case when neither the Chair nor the Vice Chair can participate in consideration of a given matter, the Executive Board shall designate a substitute to serve as the Chair only in consideration of the specific case.
7. Decisions by the Panel shall be made in open voting by a majority of votes. In the event of a tie, the Chair shall have the deciding vote.
8. A member of the Commission may submit his or her resignation at any time. Resignation does not require justification.
9. In the event of resignation of a member of the Commission or expiration of his or her appointment, the FNP Executive Board shall appoint a new member of the Commission. The FNP Executive Board may decline to appoint a new member of the Commission if the number of members holding a valid appointment falls within the range indicated in §1(2).
10. The Panel shall deliberate at sessions held at the FNP headquarters or at sessions held online, using means of direct distance communication. In justified instances, with the consent of the

Panel, the matter may be considered by circulation without convening a session. In such situation, the period for each member of the Panel to take a position on the matter shall be specified when forwarding the documents in the matter, and may not be shorter than seven days.

11. When needed, at any stage of its work the Panel may appoint additional experts to advise, without the right to vote. The FNP Legal Office shall also remain at the Panel's disposal at any stage of the work.
12. Each matter shall be considered individually, without undue delay.
13. Members of the Panel and the experts appointed by them shall be entitled to remuneration in the amount and under the rules established by the FNP Executive Board. If in order to participate in the work of the Panel a member of the Panel or an expert appointed by it must travel or obtain lodging, FNP shall cover the costs of travel or lodging under the rules indicated in a resolution of the FNP Executive Board.
14. All persons participating in works of the Panel, or considering an appeal from a decision by the FNP Executive Board, shall sign a declaration on impartiality, treatment of all information obtained as confidential, and the absence of any conflict of interest with regard to the person involved in the matter.
15. A member of the Commission who has reported a suspected violation of ethical rules or failure to apply good practice to FNP is recused from consideration of the matter as a member of the Panel.

## **§ 2 INVESTIGATION**

1. Any person involved in the process of evaluating applications for funding or providing opinions on projects financed by FNP having information concerning a possible violation of ethical rules or failure to apply good practice is required to provide notice of the situation in the form provided for in these Rules. Persons not involved in the process of evaluation of applications or projects may also notify FNP of a suspected violation of ethical rules or failure to apply good practice in the form provided for in these Rules.
2. Notices of a potential violation of ethical rules or failure to apply good practice must be submitted directly to the email address [etyka@fnp.org.pl](mailto:etyka@fnp.org.pl), which is accessible only to the President of the FNP Executive Board, the supervisor of the FNP Section responsible for the administration of the procedures related to these Rules (the "Head of Section"), and one staff member designated by the Head of Section. Only signed notices will be considered. Notices submitted anonymously or in a manner not enabling clear identification of the sender will not be considered.
3. An employee of FNP who is informed of a possible violation of ethical rules or failure to apply good practice, or suspects that a violation may have occurred, is required to notify his/her supervisor accordingly and to submit all materials in his or her possession concerning the matter to the email address [etyka@fnp.org.pl](mailto:etyka@fnp.org.pl). This applies among other things to situations where a panellist or reviewer indicates that a funding application submitted to FNP contains elements that may demonstrate a violation of ethical rules or failure to apply good practice by the applicant. The programme coordinator responsible for the panel/reviews/opinions shall prepare a note on the matter and submit it to the email address [etyka@fnp.org.pl](mailto:etyka@fnp.org.pl).

4. A person providing notice of a possible violation of ethical rules or failure to apply good practice shall remain anonymous to all except the members of the Panel, the members of the FNP Executive Board and the members of the FNP Council (when considering an appeal or during the session when information about conducted proceedings is provided), and the persons referred to in §2(2), unless the nature of the matter or the form of the documents does not allow for effective anonymization of this person's details.
5. At any stage of the ongoing investigation, the FNP Executive Board has access to the materials collected by the Panel and may take action to resolve the situation that is the subject of the notification.
6. Upon receiving information on a possible violation of ethical rules or failure to apply good practice, the Head of Section shall raise the matter with the Chair and the Vice Chair, and inform the FNP Executive Board accordingly. The Chair with the Vice Chair shall conduct a preliminary analysis of the forwarded notification and possible documents which may be connected to the matter, and then take a common decision on whether to direct the matter to an investigation. In the situations when it is not possible to take a common decision by the Chair and the Vice Chair (absence, vacancy, etc.), the decision can be taken by each of them independently.
7. The Head of Section shall notify the Panel and the FNP Executive Board of the decision on directing the matter to an investigation.
8. If it is decided not to direct the matter to an investigation, the Head of Section shall inform the person making the notification and the FNP Executive Board accordingly, and the documents in the matter shall be archived.
9. If it is decided to direct the matter to an investigation, the Head of Section shall forward all the documents gathered by that time in the matter to the members of the Panel designated by the Chair and inform the person involved in the matter accordingly, as well as the person making the notification.
10. In the situation when the Chair with the Vice Chair abstain from the decision on whether to direct the matter to an investigation and appoint no Panel, they shall inform the FNP Executive Board accordingly. The FNP Executive Board shall determine how to proceed with this matter.
11. The person who is the subject of the investigation has a right to review the documents in the Panel's possession, on the basis of which the matter was directed to the investigation, upon condition of providing FNP an original Confidentiality Declaration within 14 days from receipt of notice of directing the matter to an investigation and the form for the declaration. The declaration can be signed with a handwritten signature, a qualified electronic signature, or a regular electronic signature. The Head of Section shall inform the person who is the subject of the investigation of the Panel's receipt of additional relevant documents, taken into account by the Panel when formulating its opinion, which gives such person the right to review these additional documents. The documents, before making them available to the person who is the subject of the investigation, are anonymized regarding the details of persons involved in the resolution of the matter, in particular the details of the person making the notification of violation of ethical rules or failure to apply good practice, details of experts involved in the resolution etc.
12. The Head of Section shall invite the person who is the subject of the investigation to submit explanations or provide additional documentation in the matter, within 14 days from the date of making the investigation materials available to that person.

13. After analysing all of the evidence, the Panel shall prepare minutes containing a description of the matter, together with an opinion concerning the violation of ethical rules or failure to apply good practice and with a justification. Moreover the Panel can formulate recommendations for the FNP Executive Board helpful in formulating its position. The minutes shall not contain details of the person making the notification.
14. Based on the Panel's opinion and recommendations, as well as on all of the evidence, the FNP Executive Board shall formulate the final position on the matter.
15. If a violation of ethical rules or failure to apply good practice is found, the FNP Executive Board shall take a decision on the form and scope of sanctions, e.g. to reject the application for funding or withhold further funding, and in extreme instances to impose a ban on the person's seeking FNP funds for up to five years, or to commence legal proceedings seeking to recover monies awarded together with any interest. In justified instances, the FNP Executive Board may waive imposition of sanctions despite a finding of violation of ethical rules or failure to apply good practice.
16. The position of the FNP Executive Board referred to in §2 (14) and (15) shall be provided to the person who is the subject of the investigation. That person has a right to file an appeal to the FNP Council within 14 days after receipt thereof. The appeal can be submitted in a written or electronic form, including by e-mail containing the appeal sent to the e-mail address: [etyka@fnp.org.pl](mailto:etyka@fnp.org.pl).
17. The appeal shall be considered by the FNP Council, which takes a decision by way of a resolution:
  - a) upholding the appeal in whole or part and/or amending the form or scope of the sanctions, or
  - b) upholding the position of the FNP Executive Board.
18. The appeal shall be considered without undue delay, at the next session of the FNP Council or in justified instances by circulation without convening a session, but no earlier than 14 days from submission of the appeal to the FNP Council.
19. The situation of the person who was the subject of the proceeding shall not be worsened as a result of consideration of the appeal by the FNP Council.
20. After consideration of the appeal by the FNP Council, or if no appeal is filed, the position of the FNP Executive Board shall be provided also to the person who reported the possible violation of ethical rules or failure to apply good practice, in the form provided in these Rules.
21. Information about the result of the investigation shall be provided to the institutions where the person who was the subject of the investigation works or conducts research, which were indicated in the application for funding or are parties to the agreement with FNP.
22. Information about proceedings conducted under these Rules shall be provided collectively, at least once a year, to the other members of the Commission who were not appointed to consider the different matters and to the FNP Council.

### **§ 3 MISCELLANEOUS**

1. These "Rules of Procedure at the Foundation for Polish Science in the Event of a Possible Violation of Ethical Rules or Failure to Apply Good Practice in Science" were adopted by the

FNP Executive Board. Any amendment to this document shall require the approval of the FNP Executive Board.

2. The Head of Section shall be responsible for the proper circulation of documents related to proceedings covered by these Rules.
3. The duties of the Head of Section pursuant to these Rules may be performed by an employee designated by the Head of Section.
4. In any situations not addressed in this document or requiring interpretation of this document, decisions shall be taken by the FNP Executive Board.