

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. 11/2020 of 22 January 2020)

§ 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 interest 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 by beneficiaries and candidates in the Foundation’s programmes, reviewers or panellists, of the ethical rules in force at FNP referred to in §1(1) (the “ethical rules”).* 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”) from among the members of the Commission.
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 the matter. In such case 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 in justified instances, with the consent of the Panel, the matter may be considered by means of

* In these Rules, “violation of ethical rules” also includes failure to follow good practice in science within the meaning of the Code of Ethics for Research Workers or the European Charter for Researchers.

telecommunications 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 sessions 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 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 the ethical rules 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 the ethical rules in the form provided for in these Rules.
2. Notices of a potential violation of the ethical rules must be submitted directly to the email address etyka@fnp.org.pl, which is accessible only to the President of the FNP Executive Board, the Director of the Programme Division (the "Director"), and one staff member of the Programme Division designated by the Director, as well as such person's immediate supervisor. 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 the ethical rules, or suspects that a violation may have occurred, is required to notify the Director accordingly and to submit all materials in his or her possession concerning the matter to the email address 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 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.
4. A person providing notice of a possible violation of ethical rules shall remain anonymous to all except the members of the Panel, the members of the FNP Executive Board, the members of the FNP Council (in the event of filing of an appeal with the Council), 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 the person's details.

5. At any stage, the FNP Executive Board 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, the Director shall raise the matter with the Chair, and inform the FNP Executive Board accordingly. The Chair shall conduct a preliminary analysis of the forwarded notification and/or documents which may be connected to the matter, and then take a decision on whether to direct the matter to an investigation.
7. The Director shall notify the Panel and the FNP Executive Board of the Chair's decision on directing the matter to an investigation.
8. If the Chair decides not to direct the matter to an investigation, the Director shall inform the person making the notification and the FNP Executive Board accordingly, and the documents in the matter shall be archived.
9. If the Chair decides to direct the matter to an investigation, the Director 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. The person who is the subject of the investigation has a right to review the documents related to the matter in the Panel's possession, 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 Director shall inform the person who is the subject of the investigation of the Panel's receipt of additional relevant documents, which will give such person the right to re-examine the documents connected with the matter.
11. The Director shall invite the person who is the subject of the investigation to submit explanations or provide additional documentation in the matter, within 14 days.
12. After analysing all of the evidence, the Panel shall prepare minutes containing a description of the matter, together with an opinion with or without a finding on whether there was a violation of the ethical rules, and with a justification.
13. Based on the Panel's opinion, the FNP Executive Board shall formulate a position in which it may find a violation or the absence of a violation of the ethical rules.
14. If a violation of the ethical rules 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 the ethical rules.
15. The position of the FNP Executive Board referred to in §2 (13) and (14) shall be provided to the person who is the subject of the investigation. That person has a right to file a written appeal to the FNP Council within 14 days after receipt thereof.
16. The appeal shall be considered by the FNP Council, which may:

- a) uphold the appeal in whole or part and/or amend the form or scope of the sanctions,
or
 - b) uphold the position of the FNP Executive Board.
17. The appeal shall be considered without undue delay, at the next session of the FNP Council held at the FNP headquarters, 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.
 18. 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.
 19. 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 the ethical rules, in the form provided in these Rules.
 20. 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.
 21. Information about the proceeding (the minutes and the position of the FNP Executive Board, along with possible recommendations and, in the event of filing of an appeal, the decision of the FNP Council) shall be provided to the other members of the Commission who were not appointed to consider the given matter.

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