

## Foreword

This document may not appear to many readers to be particularly accessible. This is mainly due to the fact that issues arising in connection with conflicts of interest are rarely simple. It is nonetheless important for employees at the University to have sufficient knowledge of this area to enable them to manage conflict of interest issues that arise in their day-to-day work.

An aspect requiring particular attention is conflicts of interest that may arise when cohabiting partners/married couples are employed at the same department. Particularly in the case of a small department, the persons concerned must anticipate being confronted repeatedly with situations requiring careful consideration. Another important issue at our University is how we should view friendly relationships between scientists active in the same subject area. This issue, as well as issues linked to students and doctoral students, are addressed in the following document.

Following an introductory section on the issue of conflicts of interest, there is a detailed description of the Administrative Procedure Act's rules on conflicts of interest, including examples of situations that could fall under the various grounds for a conflict of interest. To conclude, the document presents a number of conflict of interest cases from higher education that have been heard by the Parliamentary Ombudsman (JO), the Office of the Chancellor of Justice (JK) and the Higher Education Appeals Board (ÖNH).

Uppsala, October 2018

# Rules governing conflicts of interest within the University's area of activity

## Introduction

What is a conflict of interest? Who is subject to a conflict of interest and in which contexts? These are questions that this guidance document will clarify.

Universities and colleges are administrative agencies, that is, independent units of the state administration under the government. All administrative agencies must ensure their consideration and decision-making processes are objective and impartial. A fundamental expression of this can be found in Chapter 1, Article 9 of the Instrument of Government, which reads as follows: "In their activities, courts of law, administrative agencies and others carrying out tasks of public administration must bear in mind that everyone is equal before the law and be objective and impartial."

Certain general guarantees of objectivity and impartiality are specified in the provisions of the Penal Code regarding penalties for the giving and taking of bribes, as well as the ban stipulated in Section 7 of the Public Employment Act against secondary employment that could harm trust, that is, secondary employment that could undermine trust in an employee's impartiality or damage the reputation of the authority.

In addition to this, however, rules are needed which guarantee that the authority has a composition that prevents its impartiality from being questioned in individual cases. This is achieved by having rules governing conflicts of interest, which are included in Sections 16–18 of the Administrative Procedure Act (2017:900).

'Conflict of interest' refers to a situation that undermines trust in a specific member or official's impartiality when handling a matter. If an individual participating in a decision has a personal connection in one way or another to the issue being handled, this could conceivably lead them to take an irrelevant consideration into account. Such situations are to be avoided, which is why the person subject to a conflict of interest should not be permitted to participate in the matter.

Decision-makers and officials in charge at different levels within the area of higher education must therefore ensure they observe objectivity when dealing with matters whose outcome they can influence. This applies to every type of matter at authorities, but it is particularly important in cases of exercise of official authority towards an individual, that is, in decisions affecting an individual's rights or obligations. At our University, for example, this applies to decisions on appointments, allocation of funding, admissions, examinations and disciplinary sanctions. Issues concerning conflicts of interest are also important in procurement matters and similar.

Rules governing conflicts of interest in the Administrative Procedure Act apply to anyone dealing with a matter. This does not only refer to individuals who take a decision on a matter, either alone or together with others, but also individuals who prepare the matter and participate in its final management, primarily as rapporteur. In this context, it can be noted that 'dealing with a matter' also includes aspects that some people may not initially associate with this concept, for example grading and other assessments that form

part of examining students. However, purely office-related tasks such as making print-outs, dispatching documents, registration and the like are not covered.

## *Rules governing conflicts of interest in the Administrative Procedure Act*

### Section 16 of the Administrative Procedure Act, concerning conflicts of interest

Section 16 A person who takes part in the handling of a matter on behalf of an authority in a way that could influence the authority's decision on the matter is subject to a conflict of interest if

1. he or she or any closely related person is a party in the matter or could otherwise be assumed to be affected by the decision to a not insignificant extent;
2. he or she or any closely related person is, or has been, a representative or proxy for a party in the matter or for another person who could be assumed to be affected by the decision to a not insignificant extent;
3. he or she has participated in the final management of a matter at another authority and, as a result of this, has already taken a position on issues that the authority is to consider in its capacity as a higher authority; or
4. there is some other particular circumstance that means his or her impartiality in the matter could be questioned.

If it is clear that the issue of impartiality is not relevant, the authority should disregard the notion of conflict of interest.

The following grounds for a conflict of interest can be distinguished:

#### Involved-party, stakeholder and corresponding related-party conflicts of interest

Point 1 can be divided into three different types of conflict of interest that are relatively similar. First, there is involved-party conflict of interest, meaning cases in which the person concerned is personally involved in the matter. An example of this is someone dealing with a recruitment in which they are an applicant. Another example is someone seeking compensation from the authority for expenses and approving their own invoices.

Stakeholder conflict of interest refers to when it can be assumed that a person dealing with a matter will be affected by the decision to a not insignificant extent. One example could be that the person owns shares in a company which is a party in the matter. At our University, for example, a teacher who benefits financially from teaching material as its author or in some other way should be considered disqualified due to a stakeholder conflict of interest, when a decision-making body assessing research and educational issues discusses the teaching material's potential use as course literature.

An issue sometimes discussed is whether employees at an institution should be deemed to be disqualified from participating in the reorganisation and rescaling of activities. Such situations can vary – and thus their assessment – but as a rule the authority has to be able, through its employees, to manage activities within the framework of the authority's general competence. So to the extent that a person's job requires them to address the matter of cutbacks in activities, which at some point will also affect their own duties, they should generally not be considered disqualified by a conflict of interest. This differs from the recruitment case mainly in that in such a case the applicant is personally on the line, just like non-employed applicants, in relation to the authority.

A similar situation involves decision-making concerning the allocation of doctoral student positions. Is the prospective advisor of a prospective doctoral student disqualified by a conflict of interest from participating in the decision? Unless there are also additional connections between the advisor and the doctoral student in question, in which case it could be a matter of related-party conflict of interest or disqualification for reasons of discretion and delicacy, it should not be seen as stakeholder conflict of interest when a member of staff participates in a decision that affects their own duties.

Related-party conflict of interest means that the official is disqualified not just when he or she is personally affected by the matter as in the aforementioned types of conflict of interest, but also when a person with whom they have a close personal relationship is affected.

## Representative conflict of interest and proxy conflict of interest

Point 2 – Representative conflict of interest arises if a person dealing with a matter or a close relative or friend is, or has been, a representative for a party in the matter, or for someone else who can be assumed to be affected by the decision to a not insignificant extent. This rule is primarily relevant when the person dealing with the matter is a representative for a legal person, e.g. a limited liability company, association or foundation, which is directly impacted by the matter. A representative is defined as a person who is authorised to represent the legal person in the matter as an authorised signatory or the like. Situations in which the person dealing with a matter is a guardian, custodian or trustee for a natural person also fall under this point. Proxy conflict of interest arises if the person dealing with a matter or a close relative or friend is or has been a proxy for a party in the matter or for someone else who can be assumed to be affected by the decision to a not insignificant extent.

Representative and proxy conflict of interest may arise in conjunction with secondary employment. The ban on secondary employment that undermines trust is partly aimed at preventing conflicts of interest of the type that fall under point 2.

In the world of academia, it is common for researchers and other employees to have roles in, for example, research councils, independent research foundations, publishers, development companies, etc. Such commitments can often promote academic activities. In order to uphold respect for the objectivity of both the research and the authority, however, it is necessary to be alert to conflict of interest problems in these cases, as e.g. the Office of the Chancellor of Justice (JK) addressed in a case concerning the Swedish Medical Research Council's management of matters regarding the use of resources from wage earner

investment funds for medical research (JK decisions 941212 and 950327 in cases 3805-92-21 and 4225-92-21).

## Dual authority conflict of interest

Point 3 – A dual authority conflict of interest arises when a person dealing with a matter at a higher authority has been so involved with the matter at a lower authority that his or her objectivity is open to question. A dual authority conflict of interest presupposes that the person dealing with the matter was involved in the final management of the matter at another authority, and, as a result of this, has already taken a position on issues that the authority is to review in its capacity as a superior authority. Hence, dual authority conflict of interest does not encompass cases in which a person within a single authority participates in different phases of the management of a matter. For example, the fact that someone has participated in a consultation exercise at the departmental level does not constitute an obstacle, in the form of a conflict of interest, against participating in the management of the same matter at the faculty level. In the field of higher education, conflicts of interest that fall under this point will probably not occur very often. However, if an official operates in a dual capacity in a matter, disqualification for reasons of discretion or delicacy may arise in accordance with point 4.

## Conflicts of interest of a discretionary or delicate nature

Point 4 contains a generally worded rule aimed at capturing the conflicts of interest – of a discretionary or delicate nature – that are not covered by the other grounds for conflict of interest. According to this general clause, a party who is to deal with a matter is disqualified if there is some other special circumstance that causes his or her impartiality in the matter to come into question. In light of the generality of the rule's formulation, a comprehensive list of situations that fall under the rule cannot be made, though these may relate to financial dependency, for example, or a strong friendship or feelings of hostility.

In recruitment matters, questions may arise as to whether the relationship between an expert and an applicant constitutes a discretionary or delicate conflict of interest. For example, it may be a matter of them jointly having published scientific work, or having been highly committed and involved in scientific discussions. In terms of joint publication, the assessment primarily hinges on how extensive the partnership was and how long it has been since the partnership ended. It is difficult to place specific limits on how much time needs to have passed after a partnership has ended in order to be able to disregard a question of conflict of interest, since the assessment may be impacted by, for example, very fast moving developments in that particular area of research. As for objections due to conflict of interest based on disagreements between an expert and an applicant, first of all, the mere fact that they belong to different schools of thought or research paths does not constitute grounds for a conflict of interest. If, on the other hand, it is a matter of a deeply rooted adversarial relationship that leads to questions about the expert's objectivity, it should be regarded as a conflict of interest.

A particular problem may arise if the head of department participates as a member or alternate member in the recruitment group's preparation of a proposal for holder of a position, when the same head of department will later be making a decision in the matter. It is difficult to establish any general rules in

light of the diversity of possible situations with different factors. Regardless of whether or not the head of department participates in the committee's preparatory work and in the decision, the knowledge about the applicant's suitability that the head of department may have as a supervisor must naturally be used right in the committee's deliberations.

Under the last paragraph of Section 16, conflict of interest can be disregarded when questions of impartiality are clearly irrelevant. However, it is important to understand that this only applies to matters that are completely standard and do not require considerations of a nature in which questions of partiality or impartiality can arise. This may, for example, involve the administrative execution of authorising salary payments or the entry of data in LADOK. It should be noted that the question of, for example, an extension of employment as a doctoral student cannot be regarded as standard in this context.

## Sections 17 and 18 of the Administrative Procedure Act concerning the effect and review of conflict of interest

Section 17 A person who is subject to a conflict of interest is disqualified from taking part in handling a matter, and from being present when a matter is being decided. However, he or she can carry out tasks that no one else can carry out without significantly delaying the handling of the matter.

Section 18 Anyone who is aware of a circumstance that can be regarded as disqualifying him or her must immediately report this to the authority.

An authority must review possible conflicts of interest as soon as possible.

The person who may be disqualified by a conflict of interest may only take part in the review of the issue if this is required for the authority to achieve quorum and a replacement cannot be called in without significantly delaying the review.

According to Section 17 of the Administrative Procedure Act, a person who is subject to a conflict of interest is disqualified from taking part in the handling of a matter, and from being present when a matter is being decided. As a primary rule, the official may neither take preparatory measures, nor take part in deciding on a matter. However, he or she can carry out tasks that no one else can carry out without significantly delaying the handling of the matter. In the event of urgent matters that cannot be delayed, a person subject to a conflict of interest may participate in making a decision if this is necessary due to a lack of time. This exception is to be interpreted very restrictively and these situations will probably only very rarely arise within the field of higher education. Inadequate planning can never be used to justify deviations from the primary rule.

If a head of department or other person in a management position is disqualified from a matter, the matter is not to be handed over to the deputy head of department/similar position, but instead to a higher manager. For example, this applies to matters concerning decisions on appointments or the approval of invoices.

A person who is disqualified from a matter that is in line for processing at a meeting is not only to refrain from speaking up or participating in a vote, but must also leave the meeting room. Otherwise, this person's mere presence could exert influence over the decision-making process in the matter.

Anyone who is aware of a circumstance that can be regarded as disqualifying them must immediately report this to the authority. Board members, parties and others can also make objections on the basis of conflict of interest.

It should be noted that the person subject to a conflict of interest is professionally obligated to make it known, and anyone who fails to report a conflict of interest may be subject to disciplinary measures for misconduct under Section 14 of the Public Employment Act. When a matter improperly handled by a disqualified party concerns the exercise of official authority, the matter may also be one of criminal misuse of office under Chapter 20, Section 1 of the Swedish Penal Code.

An authority must review matters of conflict of interest as soon as possible. In this situation, the potentially disqualified party is in principle disqualified from participating in reviewing the question of conflict of interest. He or she may only participate in the review if the authority cannot otherwise achieve quorum, and no replacement can be called in without significantly delaying the review. If, during this review, the authority decides there is no conflict of interest at hand, or that it does not need to be taken into consideration, the official can proceed in participating in the processing of the matter.

If someone who was obligated to report a conflict of interest failed to do so, the decision that was made will be valid anyhow, until such time as it is potentially declared invalid following an appeal. A specific question in this context is what effect a decision has that is made in violation of the first paragraph of Section 17. The premise is that the decision is not invalid simply because of this. Whether it will be annulled or approved at a higher level following an appeal will depend on the facts of the matter.

A decision may be changed even if a decision maker is revealed to have been disqualified by a conflict of interest long after the decision was made. If the person who was disqualified dealt with a matter and this affected the outcome, there may be grounds for review. Review is intended as a remedy when no other opportunities for rectification, such as appeals or reconsideration, are available. For revision to be granted, special reasons are required and they are only granted in exceptional cases.

## Conflicts of interest in practice

The following examples from the world of higher education are enlightening as to various types of circumstances in which conflicts of interest can arise. All these cases concern conflicts of interest of a discretionary or delicate nature.

One case (JO 1985/86 p. 397) concerned a conflict of interest for a senior lecturer who had acted as an examiner for a student after the lecturer had provided the student with private lessons. The exam in question pertained to a course in legal fundamentals and the private lessons were geared precisely toward the course requirements for the course in legal fundamentals. In light of this, JO deemed that the lecturer should not have taken part in the examination concerning the student in question.

In another case (FT [Journal of Administrative Law] 1978 p. 265), a professor personally reported that, due to a conflict of interest, he was unable to fulfil his task as an advisor and examiner for a research student. This was based on disagreements between the two. While the University Board deemed a conflict

of interest to be at hand under Section 11, point 5 (now Section 16, point 4) of the Administrative Procedure Act, since there were no other competent persons for the task at hand within the country apart from this professor, his request to be recused from the role as advisor and examiner was denied. After the decision was appealed, the Swedish National Agency for Higher Education stated that while there were certain disagreements between the professor and the research student, these were not of such a nature that the professor could be deemed disqualified from fulfilling his duties as a teacher in relation to the research student. The professor appealed the Agency's decision to the government, which, similar to the University Board, found that a conflict of interest had arisen and that the professor was thus disqualified from examining the research student, provided that this action, without undue delay, could be performed by someone else, which in this case meant that the professor was at any rate not allowed to act as examiner while the possibility existed of appointing someone else examiner in time.

In this context, it can be noted that advising in an educational context sometimes includes elements that constitute a step in the assessment process.

In its decision (ref. no 1680-75-21) dated 1976-02-06, concerning the issue of conflict of interest for an expert, JK stated the following:

To qualify as a conflict of interest, the relevant section of the law requires the circumstance in question to be likely to undermine trust in the relevant party's impartiality in the matter. The precondition is of an objective nature and whether or not trust really has been undermined is irrelevant. This formulation can be compared with the one used in Section 13 of the Swedish Civil Servants Act concerning the right to secondary employment. In my opinion, neither the formulation of that section of the law nor the related statements of justification support the claim that only specifically qualified associations or the like would constitute a conflict of interest.

The essential point is not the nature of the circumstance that can form the basis for a conflict of interest, but rather whether the circumstance is likely to undermine trust.

Another question is what should be required for a circumstance to be deemed to be likely to undermine trust. This is a value judgment, on which opinions may differ. What I have maintained above mainly points to the fact that, as a general principle, authorities should take a strict position and take conflicts of interest at hand into account. This is particularly warranted when an individual's rights and interests are at stake.

In preparing to fill a position, the board of a department tasked an acting professor with providing a statement on the applicants. In the statement, this professor advocated an applicant of whose every submitted paper the acting professor had been a co-author. In its decision in the matter, JO concluded that it should have been clear to the acting professor that this was a case of conflict of interest and this should have been reported right when the professor was tasked with providing a statement. (JO decision 1993-03-02, ref. no 2293-1992.)

In a decision (1993-03-18), the government reviewed whether the chair of an academic appointments board had been subject to a conflict of interest. In an appointment to a professorship, the board had been unanimous in proposing one of the applicants, of whose cited scientific works nearly half had been co-authored by the chair. Most of the works had also been published in the past seven years. The proposed applicant had also been active at the department that had been headed by the chair of the board. The

government found that, collectively, the circumstances had to be regarded as constituting special circumstances that were likely to undermine trust in the chair's impartiality in the case, which was sent back to be re-addressed by the academic appointments board.

In one case (ref. no 223-96), the Higher Education Appeals Board (ÖNH) took a position on a matter of conflict of interest concerning a research position at a research council. The objection on the grounds of conflict of interest concerned the relationship between a foreign expert and one of the applicants. During their education, the applicant had been a post-doctoral student with the expert for a couple of years, and in conjunction with that, they had published a paper together. Since the collaboration had taken place nearly ten years earlier, and the collaboration had not been extensive or longstanding, ÖNH did not deem the current relationship to be grounds for a conflict of interest in the sense intended by the Administrative Procedure Act.

In another decision (2000-09-20, reg. no 22-244-00), ÖNH stated that as far as joint authorship was concerned, close, longstanding, and, until recently, ongoing scientific collaborations clearly constituted a conflict of interest under the Administrative Procedure Act. In the case at hand, the applicant who had received the position being recruited as a senior lecturer had cited a total of 57 original works that had been published between 1980 and 1998. From 1991 to 1997, one of the experts in the case had published six works together with the person who had received the position. ÖNH found that this was likely to undermine trust in the expert's impartiality in the matter and that this person was thus disqualified by a conflict of interest under Section 11, point 5 (now Section 16, point 4) of the Administrative Procedure Act. The University's employment decision was therefore annulled.

In a later decision (2003-12-12, reg. no 22-335-03), ÖNH also reached the same conclusion. In this case, it was a matter of a member of an academic appointments board who had previously been a colleague of and co-author with one of the applicants. They had worked together at the same department for two years. The applicant for the position had also published nine works in which the member of the academic appointments board had been a lead author or other co-author from 1996 to 2000. In this case as well, ÖNH found that this was likely to undermine trust in the member of the academic appointment board's impartiality in the matter and that this person was thus disqualified by a conflict of interest under Section 11, point 5 (now Section 16, point 4) of the Administrative Procedure Act. The University's employment decision was therefore annulled.

The fact that several circumstances can collectively constitute conflict of interest despite each of them independently probably not constituting conflict of interest is laid out in a decision by ÖNH (2008-05-16, reg. no 21-353-08). This case was also a question of an academic appointments board and a decision on employment. The chair of the academic appointments board had been the assistant advisor of one of the applicants during their research studies (the applicant received their doctoral degree in 1996), and the chair had been mentioned under the 'Acknowledgements' section of their dissertation. The applicant had also cited 20 works under the 'Publications in peer-reviewed international journals' section from 1987 onward. The chair was the lead author or co-author of four of these works. Under the 'Book chapters and proceedings' section, the applicant cited seven works, one of which – a work from 1991 – the chair was the lead author of. The applicant and the chair were also colleagues at the same faculty. Between 2003 and 2006, the applicant was an alternate member of the faculty board, and since 2007 vice-chair and vice-dean on the faculty board. Since 2000, the chair of the academic appointments board had been the dean and chair of the same faculty board of which the applicant was the vice-chair. Furthermore, both the applicant and the chair were members of the same management team at the faculty. The Appeals Board

found that collectively, the circumstances were likely to undermine trust in the chair of the academic appointments board's impartiality in the matter and that he was thus disqualified by a conflict of interest under Section 11, point 5 (now Section 16, point 4) of the Administrative Procedure Act. The University's employment decision was therefore annulled.

In a decision (2011-10-21, reg. no 22-565-11), ÖNH deliberated the matter of private friendships. One of the applicants and the expert had had a close, private relationship for more than 10 years. This friendship had subsequently turned unfriendly in conjunction with the applicant's female friend separating from the expert. According to the Appeals Board, this was a type of relationship that could clearly influence the objectivity of someone dealing with a matter. Accordingly, the employment decision was annulled.

In another decision (2014-06-13, reg. no 215-259-14), ÖNH reviewed the matter of whether a close, collegial collaboration between an applicant and the partner of the head of a department who had participated in the employment process could constitute a conflict of interest under Section 11, point 5 of the Administrative Procedure Act (now Section 16, point 4). Since ÖNH deemed there to be a circumstance in the case that was likely to undermine trust in the head of the department's impartiality, the employment decision was annulled.

In a decision (2018-02-16, reg. no 211-1097-17), ÖNH deemed the husband of the applicant, in his capacity as the previous head of the department, to be disqualified by a conflict of interest when his wife was employed. The husband had been the head of the department in question at the time the position was advertised. The fact that he was not head of department at the time his wife's application was received did not affect this assessment and the employment decision was annulled.

In a ruling (1998-12-11), the Uppsala District Court reviewed questions of conflicts of interest within the University's areas of activity. The case concerned a professor who examined and participated in the handling of matters regarding the appointment of and allocation of funding to a doctoral student with whom he had had a more than temporary sexual relationship. The District Court found that the professor in all of the cases at hand had been subject to a conflict of interest and found him guilty of misuse of office, sentencing him to 50 day fines. In its ruling, the District Court stated, among other things, that the actions that had been taken by the professor despite being subject to a conflict of interest had to be regarded as constituting relatively central expressions of the exercise of official authority in the University's activities, and that they had been taken by a person who, by way of their capacity as professor, held extensive authority and considerable room for manoeuvre in their decision-making. According to the District Court, the disregard for the rules governing conflict of interest was thus serious and likely to lead to serious public detriment.

In a case (JO 1974 p. 393) concerning conflicts of interest in a government authority's management of matters concerning research grants, JO maintained the following:

A member of a board, as in the biotechnical case at hand, may not participate in decisions concerning applications made either by himself or by an institution or company in which he has a significant interest. The investigation that was carried out shows that this was not the case and that the rules governing conflict of interest were strictly observed.

Representatives of the country's foremost expertise in the domain that the board represented were members of the board. It would be unrealistic to require the board members not to apply for or accept

grants themselves. It would be even less realistic to expect the institutions or companies in which the board members are active to refrain from the possibility of receiving grants. As I have already indicated, no board member has participated in the management of a matter in which he or an institution or company of the aforementioned type was an applicant. This applies regardless of whether the board had the matter before it for decision or merely for an opinion. Nor has the investigation shown any evidence that the board's members would have, directly or indirectly, enjoyed an unwarranted advantage over other applicants, nor that the board in any other way lacked in objectivity. It has certainly often been the case that grants have been given to members of the board or to institutions in which they are active. However, these circumstances must be seen against the background of what was just mentioned about the board members' qualifications.

Even if a board intensely strives to be objective and strictly observes the rules on conflict of interest, it nonetheless does not come across as entirely satisfactory if it largely allows grants to be given to or approves grants to its own members or to institutions in which they are active. Suspicions of improper consideration or camaraderie can easily arise, which the events in this case attest to. It is not entirely easy to find a solution to the problems encountered here. A board of the nature at hand must have the necessary expertise represented within its ranks and the circle of experts can be highly limited. At the same time, it is inherent to the field that this particular circle of experts belongs to the circle that is primarily in question when it comes to awarding grants to research and development work.

One way of rectifying the problem at hand to some extent could be to also include people on the board who may not have a mastery of the technical issues, but who possess experience from other domains of society and who are completely independent of the interests that the applicants represent. Insofar as it is possible, it may also be appropriate for the board not to maintain the same composition for too long.

The world of higher education is small enough for most of those active in a certain field to personally be acquainted with one another. In a decision concerning the handling of matters at the Medical Research Council, as noted above, JK made certain general statements concerning the assessment of matters of conflict of interest within the field of research. The decision states, among other things, that members of the academic community are highly accustomed to critically assessing even the work of relatively close colleagues, e.g. in expert statements in cases of professional appointments, and that placing excessive requirements on claims of conflict of interest in various scientific circumstances and in the activities of authorities in the field could hamper research and make it difficult to solicit expertise in cases of professional appointments. On the other hand, JK emphasises the importance of the fundamental principles of objectivity and impartiality and the proper application of rules on conflict of interest, and found that there had been a conflict of interest when a member of a research council had participated in the council's decision to allocate funds to a research consortium headed by the member, even if he was not taking part in the research in question.

In other words, conflicts of interest are matters involving complicated boundaries and it is often said that it is better to be cautious in view of confidence in the authority and preferably apply the rules once too often than not often enough. On the other hand, rules governing conflict of interest must not serve as a convenient circumvention for those who want to avoid taking a difficult position in a case. Careful consideration is always necessary.

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