

Guidance for NPO Staff and Reviewers on Conflicts of Interest and Confidentiality Related to Proposal* Review

Updated January 6, 2014



Robert Wood Johnson Foundation

* The terms "proposal" and "application" are used interchangeably in this statement.

Background

The Foundation values its reputation and seeks to ensure that we do our work in a way that is consistent—both in fact and appearance—with our guiding principles. We are mindful that the appearance of a conflict can be as damaging to the Foundation as the existence of an actual conflict.

As a national program office (NPO) staff member, or reviewer, you play a crucial role in our work. These guidelines are designed to help you understand how we approach the proposal review process with the aim of ensuring that it is conducted without any actual or apparent conflict of interest.

No written guidelines can cover every situation. For that reason, our guidelines emphasize disclosure and case-by-case resolutions. This approach depends on conscientious self-policing and good judgment. This approach also enables us to learn—adjusting as new situations arise with a view toward developing consistent practices over time.

Our general rule is that you are obligated to disclose and avoid ethical, legal, financial and other actual, potential and perceived conflicts of interest involving your work for the Foundation and remove yourself from the decision-making process with respect to any such conflict situation.

These guidelines supplement but do not replace any applicable federal or state laws governing conflicts of interest applicable to the Foundation.

Identifying a Conflict of Interest or the Appearance of a Conflict of Interest

1. General Guidance

While the following chart outlines a number of situations, there may be other circumstances in which a reviewer's participation might raise a question regarding impartiality (e.g., an application is submitted by someone with whom a reviewer has a close professional or personal relationship or by someone whose work a reviewer has been known to criticize). These are fact-specific determinations that need to be made on a case-by-case basis. In the case of a reviewer, he/she should discuss the relationship with the NPO to determine whether the reviewer should recuse himself or herself. If there is no NPO, the reviewer should discuss the relationship with the foundation program officer.

NOTE: Programs may add additional provisions to this Section 1, if needed, with prior approval from the Foundation's general counsel.

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Unless a waiver is requested and granted (see Section 3.b below), the following rules apply:

Nature of Actual or Apparent Conflict	Remedy if a Waiver is not Granted:	
	Application Will Not be Accepted	Recusal of the Reviewer
Financial Interest:		
If an NPO staff member OR a reviewer is the applicant/staff member/contractor on the project, or otherwise has a direct financial interest in the project.	X	
If the NPO host organization OR staff within that organization (other than an NPO staff member) is the applicant.**	X	
Professional Relationship:		
If a reviewer is affiliated with the applicant (<u>e.g.</u> , a reviewer serves as an officer/director/employee of the applicant) or as a co-author with the applicant within the last 24 months.		X
If a reviewer is negotiating with or has an arrangement for prospective employment with the applicant.		X
Family Relationship:		
If a member of the immediate family*** of a reviewer OR anyone on the NPO staff is the applicant/staff member/contractor on the project, or otherwise has a direct financial interest in the project.		X
If a member of the immediate family of a reviewer OR anyone on the NPO staff is affiliated with the applicant (<u>e.g.</u> , a member of the immediate family serves as an officer/director/employee of the applicant).		X
If a member of the immediate family of a reviewer OR anyone on the NPO staff is negotiating with, or has an arrangement for, prospective employment with the applicant.		X

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Nature of Actual or Apparent Conflict	Remedy if a Waiver is not Granted:	
	Application Will Not be Accepted	Recusal of the Reviewer
Providing Substantive Assistance:		
If an NPO staff member OR a reviewer has provided substantive assistance to an applicant (see Section 2 below).	X	

** There may be instances in which it is appropriate to seek a waiver of this policy. For example, if the NPO is at a school within a university system, it may be appropriate for a waiver to be granted to allow a faculty member of another school at that university to apply for a grant. See Section 3.b below.

***The term "immediate family" means a reviewer's spouse/domestic partner and the parents, siblings, children and grandchildren of the reviewer and the reviewer's spouse/domestic partner.

2. Interaction with Applicants

To help ensure that all applicants are treated equally, NPO staff/reviewers may not provide substantive assistance of any form to applicants regarding the application process. This prohibition includes, but is not limited to, answering substantive questions about the application process, reviewing a draft proposal prior to submission or, unless you have been instructed that a programmatic exception has been granted, providing a letter of recommendation or reference on behalf of an applicant to the program served by the reviewer (see Section 5 below). In some instances, because of the nature of the program (e.g., field-building programs), it is appropriate for NPO staff to provide substantive feedback. In these cases, such feedback must be available to all applicants and widely publicized as being available.

In addition, NPO staff/reviewers may not accept goods or services of material value from an applicant or an organization or person affiliated with the applicant.

Applicants with procedural questions regarding the application process should be instructed to contact the NPO for further information; applicants with procedural questions about ad hoc proposals should be instructed to contact the Foundation program officer.

3. Procedures

a. *Disclosure.* If you have a conflict of interest, or if you are unsure of whether a real or potential conflict exists, promptly disclose the facts and circumstances to the NPO in order to determine

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whether you should recuse yourself. If you are reviewing an ad hoc proposal, please contact the Foundation program officer who asked you to review it.

b. *Waiver.* All requests for exceptions to this conflict of interest policy will be determined by RWJF. Where an NPO seeks a waiver for an NPO staff member or a reviewer, the NPO should send the request to the responsible program officer via email. Where no NPO is involved, the reviewer should send a request for a waiver to the responsible program officer via email. In either instance, the program officer will forward the request to both the chief of staff and the general counsel with a copy to the appropriate senior vice president and team/portfolio director, and the senior manager, program operations. The decision as to whether an exception to this policy will be granted in a particular instance will be made by the chief of staff and the general counsel.

c. *Remedy.* In the case of an actual or potential conflict, unless a waiver is granted pursuant to Section 3.b above, the remedies outlined in Section 1 above shall apply. In this regard, recusal means a reviewer should not review the proposal in question and should not be present when the proposal is discussed (e.g., at a review meeting).

4. Confidentiality

The maintenance of confidentiality is also a critical component of the proposal review process. The Foundation requires that NPO staff/reviewers treat as confidential all proposals and related materials and information, as well as NPO staff's/reviewers' comments and related discussions, recommendations, and votes. Because of the need to protect the confidentiality of an applicant's proposal and related information, it would be inappropriate for NPO staff and reviewers to consult professional friends or colleagues for assistance in understanding any proposal. If you are asked to disclose information about the contents of a proposal or the nature of review discussions or recommendations, you must (a) inform the person making the request that NPO staff/reviewers may not disclose such information and (b) if you are a reviewer, inform the NPO that you have been contacted directly.

5. Frequently Asked Questions

a. **Can NPO staff/reviewers write a letter of recommendation for an applicant—for instance, one of their students whom they know well?**

As a general rule, no.

b. **Can NPO staff/reviewers provide advice or feedback to individual applicants regarding their proposal/application—including post-review feedback for preparation of application in the future?**

No, except in some instances, because of the nature of the program (e.g., field-building programs), it is appropriate for NPO staff to provide substantive feedback. In these cases, such feedback must be available to all applicants and widely publicized as being available.

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c. Can NPO staff/reviewers provide feedback about an applicant in a Review meeting before recusing themselves and leaving the room?

No.

d. Can an NPO staff member or reviewer who mentors an applicant stay in the room for the discussion about the applicant?

No.