

Model statutes for Committees for Ethics in Security-Relevant Research

Preliminary remarks

The following model statutes are designed to aid the establishment of Committees for Ethics in Security-Relevant Research (KEFs) at German universities, research institutes and research associations. They are based on the recommendations¹ of the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) and the German National Academy of Sciences Leopoldina and were compiled by their Joint Committee on the Handling of Security-Relevant Research. The model statutes set out the issues which, in the opinion of the Joint Committee, require regulation. The details should then be adapted to fit the specific conditions at the individual institution. In cases where a university, research institute or research association has entrusted a different committee with the tasks of a KEF, the following recommendations apply to this committee's work regarding security-relevant research.

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¹ The paper "Scientific Freedom and Scientific Responsibility – Recommendations for Handling Security-Relevant Research" is available at: www.leopoldina.org/uploads/tx_leopublication/2014_06_DFG_Leopoldina_Wissenschaftsfreiheit_verantwortung_bilingual.pdf.

Section 1 Committee for Ethics in Security-Relevant Research

The university/institute/association hereby establishes a Committee for Ethics in Security-Relevant Research (KEF).

Section 2 Responsibilities and foundations of the work of the KEF

(1) The KEF supports efforts to balance scientific freedom and responsibility by providing advice and an evaluation of the ethical and legal aspects of security-relevant research as specified in Section 6.1. The committee also works to raise awareness within the university/institute/association [Name] of aspects of security-relevant research.

(2) Where the security-relevant project within or outside of the university/institute/association [Name] could lie within the competence of a different committee and the division of competences has not been clearly regulated, the KEF shall communicate with the other committee; the two committees shall then reach agreement on their respective scope of competence.

(3) Researchers remain responsible for their actions irrespective of the advisory services provided by the KEF.

(4) The KEF shall work on the basis of the current law, prevailing scientific standards and the respective professional rules of practice. The committee shall observe the relevant national and international recommendations and base its work on the current level of science and technology.

(5) The following provisions shall apply subject to a different ruling due to higher-ranking law.

Section 3 Composition and members

(1) The KEF shall comprise a minimum of [five] members from different scientific disciplines and an adequate (at least equal) number of deputy members. The committee members shall have experience in research and in the evaluation of ethical issues in science.

(2) The members of the KEF and their deputy members shall be appointed by [the competent academic decision-making body, e.g. the senate] of the university/institute/association [Name] for a period of [four] years. Members may be reappointed.

(3) The chair of the KEF and an adequate number of deputy chairs shall be appointed by the KEF members from among themselves. The members of the KEF shall determine the number and ranking of deputies at the election.

(4) Each member may leave the committee at their own request and without stating reasons. All committee members, including the chair, may be dismissed from the committee by [the competent academic decision-making body, e.g. the senate] for good cause. The member shall be heard beforehand. The decision shall be communicated in writing and state the reasons for the dismissal. A new member may

be appointed to the committee for the duration of the dismissed member's remaining term of office.

(5) The names of the members of the committee shall be published.

Section 4 Legal status of the KEF and its members

(1) The KEF and its members shall be independent and not bound by instructions in the exercise of their duties. They shall exercise their best knowledge and judgement.

(2) The members of the KEF shall not be held personally liable for the work they do for the committee.

(3) The KEF shall report on its work once a year, in appropriate anonymised form where necessary, to [the competent academic decision-making body, e.g. the senate] and the Joint Committee on the Handling of Security-Relevant Research of the DFG and the German National Academy of Sciences Leopoldina (hereinafter: Joint Committee).

Section 5 Management

The committee's current business is conducted by the chair. The chair shall be provided with the personnel and administrative resources he/she requires to conduct the committee's administrative work.

Section 6 Initiating proceedings

(1) Members of the university/institute/association [Name] shall consult the KEF before conducting a research project where such research project is associated with considerable security-relevant risks for human dignity, human life, health, freedom, property, the environment and peaceful coexistence. Security-relevant risks arise in particular in research which will foreseeably produce knowledge, products and/or technology that could be directly misused by third parties. The same applies where such security-relevant risks only become evident during the course of a research project.

(2) The KEF shall become active at the written request of a member of the university/institute/association [Name] – referred to as "applicant" in the following.

(3) The applicant may change or retract his/her application.

(4) The application shall comprise of a short project summary that is comprehensible to non-specialists and a detailed statement of the security-relevant aspects of the project. A declaration shall be enclosed with the application stating any other applications that have been made previously or in parallel with the same or similar content along with the outcome of any such applications

(5) The KEF can also act on information provided by third parties about security-relevant research. Such information shall also be treated as confidential as set out in Section 7.2. The committee is not obliged to investigate anonymous information. The

committee is also responsible for conducting a security assessment if such an assessment by an ethics committee is required for legal reasons.

Section 7 Proceedings

(1) The chair convenes the KEF and sets the time and place of the meeting. The chair convenes the KEF as often as required by current business and at least once a year. The chair shall give notice of invitation at least 14 days prior to the meeting, unless this notice of invitation has been shortened in agreement with all members. The chair opens, leads and closes the meetings of the KEF.

(2) The KEF meetings are not open to the public. Committee members are bound to secrecy. The same applies to experts, aides and persons who provide administrative support to the KEF.

(3) The applicant has the right to submit a written statement at all times and to view the opinions and statements gathered by the committee. The applicant can be heard by the KEF in advance of the written statement; if requested by the applicant, then he/she shall be heard. The KEF can also hear other persons participating in the research project.

(4) The KEF shall generally come to a decision following an oral discussion. Decisions by written circular are permissible unless this contravenes any legal provisions or is rejected by a committee member.

(5) The KEF can consult experts from relevant specialist areas and obtain expert reports. The KEF can request supplementary documentation, details or explanations from the applicant and other parties concerned, also in preparation of its decision. The applicant can also involve experts selected by him/her. Members of the university/institute/association [Name] are obliged to provide the KEF with correct information and grant it access to the relevant documentation. The grounds for refusing to testify and denying the provision of information apply in accordance with the German Code of Criminal Procedure. The legitimate interests of informants shall be protected to the extent possible in a fair proceeding. Their names shall only be disclosed if an affected party cannot defend themselves otherwise or if the credibility of the whistle blower needs to be reviewed.

(6) The KEF can request consultation by the Joint Committee in cases of fundamental importance. Its request for consultation shall be submitted with a substantiated assessment of its own.

(7) The outcome of the KEF meetings shall be recorded in minutes.

Section 8 Decision-making procedure

(1) The KEF shall pass a decision, subject to further legal requirements, that it has consulted on the security-relevant risks of the respective research project. Within the scope of its competence, the committee shall pass judgement on the extent to which, in its opinion, it considers the implementation of the research project,

possibly with modifications and requirements, e.g. to minimise risks, which seem legally and ethically justifiable.

(2) At least [three] of the KEF members must be involved in making a decision. Members who are participating in the respective research project, or whose interests are affected by it to the extent that there is an apprehension of bias are excluded from the discussion and decision-making procedure.

(3) The KEF shall strive to reach consensus on its respective decisions. If it fails to reach consensus then decisions are made by majority vote. Abstentions from voting are regarded as a rejection of the project. In case of a tied vote, the chair shall have the casting vote.

(4) Each member of the KEF can submit a dissenting opinion. This shall be attached to the decision.

(5) In certain cases that should be set out in detail, the KEF can authorise its chair to take a decision alone, or possibly by including a further member. In such cases, the chair shall inform the committee about the decision as soon as possible.

(6) The decision of the KEF shall be communicated to the applicant in writing, including any dissenting opinions. Negative decisions and recommendations to amend the research project shall be communicated with a statement of the reasons for the decision/recommendations. The chair shall inform the [competent academic decision-making body, e.g. the senate] of all decisions.

Section 9 Notification of unexpected risks and security-relevant aspects

(1) The chair shall be informed without delay of all serious and/or unexpected risks that become evident during the course of the research project and that could affect the level and objects of protection set out in Section 6.1.

(2) In this event, the KEF may revoke its positive evaluation in whole or in part or recommend further amendments to the research project. The applicant shall be given the opportunity to comment on the decision.

Section 10 Fees/remuneration and compensation

(1) No fees shall be charged for the review and consultation of research projects.

(2) The work as a committee member is part of the official duties of members of the university/organisation. Members do not receive any compensation for this work.

Section 11 Concluding provisions

(1) The KEF may establish its own rules of procedure. The rules of procedure can, among other things, set out requirements for an application. The [Administrative Procedures Act] and the [Higher Education Act] of the state [name] shall apply on a supplementary basis.

(2) These statutes enter into effect on the day after their publication in the [official records].