

High Council for the Evaluation of Research and Higher Education**Decision No. 2022-3-03 of 9 May 2022***Ref.: HCEG22157925*

The Board of the High Council for the Evaluation of Research and Higher Education
Having regard to the French *Code général de la fonction publique* (General Civil Service Code);
Having regard to the Research Code, and in particular Articles L. 114-3, L. 143-1 to L. 143-6 thereof;

Having regard to Law No. 2013-907 of 11 October 2013, as amended, on transparency in public life;

Having regard to Law No. 2016-483 of 20 April 2016, as amended, on the ethics, rights and obligations of civil servants;

Having regard to Law No. 2016-1691 of 9 December 2016, as amended, on transparency, the fight against corruption and the modernisation of economic life;

Having regard to Organic Law No. 2017-54 of 20 January 2017 on independent administrative authorities and independent public authorities;

Having regard to Law No. 2017-55 of 20 January 2017, as amended, establishing the general status of independent administrative authorities and independent public authorities, and in particular Articles 13 and 14 thereof;

Having regard to Ordinance No. 2014-1329 of 6 November 2014 on remote deliberations by collegial administrative bodies;

Having regard to Decree No. 86-83 of 17 January 1986, as amended, on the general provisions applicable to State contractual employees, adopted for the implementation of Article 7 of Law No. 84-16 of 11 January 1984 laying down the statutory provisions relating to the State Civil Service;

Having regard to Decree No. 2006-781 of 3 July 2006, as amended, laying down the conditions and arrangements for the reimbursement of expenses incurred in connection with temporary travel by State civil servants;

Having regard to Decree No. 2014-90 of 31 January 2014 implementing Article 2 of Law No. 2013-907 of 11 October 2013 on transparency in public life;

Having regard to Decree No. 2014-1627 of 26 December 2014 on the arrangements for organising remote deliberations of collegial administrative bodies;

Having regard to Decree No. 2017-564 of 19 April 2017 on the procedures for receiving reports made by whistleblowers;

Having regard to Decree No. 2020-69 of 30 January 2020 on ethics compliance reviews in the Civil Service;

Having regard to Decree No. 2020-173 of 27 February 2020 on the arrangements for the remuneration of members of independent administrative authorities and independent public authorities;

Having regard to Decree No. 2021-1536 of 29 November 2021 on the organisation and operation of the High Council for the Evaluation of Research and Higher Education;

Having regard to the Order of 4 February 2020 on ethics compliance reviews in the Civil Service;

Having regard to the Order of 27 February 2020 adopted pursuant to Decree No. 2020-173 of 27 February 2020 on the arrangements for the remuneration of members of independent administrative authorities and independent public authorities;

Having regard to the opinion of the Technical Committee dated 20 April 2022;

Having deliberated thereon,

Decides:

Art. 1. – The Internal Regulations of the High Council for the Evaluation of Research and Higher Education, annexed to this decision, are hereby approved.

Art. 2. – The provisions of Section 1 of Chapter I of the Internal Regulations adopted by a decision of the Board of the High Council dated 5 December 2016 are hereby repealed. The provisions remaining in force shall constitute the Internal Regulations of the services of the High Council for the Evaluation of Research and Higher Education until the adoption by the President of new Internal Regulations for the services, following consultation of the High Council's Technical Committee.

Art. 3. – The President of the High Council shall be responsible for the implementation of this decision, which shall be published in the Official Journal of the French Republic and on the High Council's website.

The President,
T. COULHON

Number of members in office: 30
Number of members present at the time of the vote: 27
Abstentions: 1
Votes cast: 26
Votes against: 0
Votes in favour: 26
Members not taking part in the vote: 0

ANNEX

INTERNAL REGULATIONS OF THE HIGH COUNCIL FOR THE EVALUATION OF RESEARCH AND HIGHER EDUCATION

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The purpose of these Internal Regulations is to specify the internal organisation of the High Council for the Evaluation of Research and Higher Education, the operating arrangements of its Board, and the ethical rules applicable to Board members and High Council staff.

TITLE I INTERNAL ORGANISATION OF THE HIGH COUNCIL

Article 1

Departments

Under the responsibility of the President of the High Council, the departments are responsible for carrying out one or more of the tasks set out in Article L. 114-3-1 of the Research Code. Their directors, and where applicable, the members of their steering committees, are appointed by the President in accordance with procedures adopted by the College.

The departments of the High Council are as follows:

- the higher education institutions evaluation department (DEE);
- the study programmes evaluation department (DEF);
- the national research organisations evaluation department (DEO);
- the research units evaluation department (DER);
- the Europe and International affairs department (DEI);
- the digital and data department (DND);
- the French Office for Scientific Integrity (OFIS);
- the Observatory of Science and Technology (OST).

Article 2

Internal Advisory Committees

The President of the High Council may establish advisory committees to assist them in the performance of their duties. They may invite members of the Board to sit on these committees. Members shall be paid an allowance of 250 euros per meeting, subject to a maximum of six meetings per member per year. (Added by Resolution No. 2023-2-08 of 20 September 2023, published in the Official Journal of the French Republic (JORF) of 26 October 2023).

TITLE II

ORGANISATION AND OPERATION OF THE BOARD

Article 3

Schedule of Meetings and Notice of Meetings

The Board shall meet at least twice a year in plenary session at the initiative of and upon the convening of the President of the High Council.

A provisional schedule of the Board's ordinary meetings for the coming year shall be drawn up before the end of September of the preceding calendar year.

Extraordinary meetings may be organised at the initiative and upon the convening of the President of the High Council.

Except in cases of urgency, the notice of meeting shall be sent to the members of the Board no later than five days before the meeting date.

Any member of the Board who is unable to attend the meeting shall inform the Board's secretariat as soon as possible.

Article 4

Agenda and Documents

The President shall set the agenda for the Board's meetings.

The agenda sets out the item or items to be considered by the Board and is accompanied, where applicable, by the draft resolution or resolutions where a resolution is required, and by any relevant documents.

The agenda and the relevant documents shall be sent, together with the notice of meeting, by electronic means (email or a link to download the documents) no later than five days before the meeting date.

Any member of the Board may request the President to include one or more items on the agenda, no later than two days before the meeting date, by providing the President with the necessary information.

Article 5

Conduct of Meetings

5.1. Holding of Meetings

The Board shall meet at the High Council's headquarters.

A meeting may, if circumstances so require, be held at another venue or remotely, by decision of the Chair.

The President presides over the proceedings. They may order any adjournment deemed necessary. The Board's meetings are not open to the public. Reports and documents submitted to the Board are confidential.

In the event that the President is unable to attend or the post is vacant, the meeting of the Board shall be chaired by the eldest of the members present.

5.2. Management of Conflicts of Interest

In accordance with Article 2 of Law No. 2013-907 of 11 October 2013 on transparency in public life, any member of the Board who finds themselves in a situation of conflict of interest shall abstain from sitting or, where applicable, from taking part in deliberations.

Where a member of the Board other than the President considers that their participation in a deliberation would place them in a conflict of interest, they shall inform the President as soon as they become aware of this situation or, at the latest, at the start of the meeting.

Where the President considers that a member cannot take part in deliberations on a matter due to a conflict of interest, they shall inform the member concerned without delay and invite them to abstain from sitting or from taking part in those deliberations.

Where a member does not take part in the Board's discussions relating to a decision, they shall not be counted as present for the purposes of the quorum.

Where a member of the Board abstains from sitting on the grounds that they consider themselves to be in a situation of conflict of interest, this shall be recorded in the minutes of the meeting.

When the relevant item on the agenda is considered, the President shall inform the members of the Board of any conflicts of interest and recusals of which they are aware and, where applicable, of any conflicts of interest concerning themselves. In the event of the recusal of the President of the High Council, the President of the meeting shall be appointed in accordance with the last paragraph of section 5.1 above.

5.3. Persons Attending Meetings

The Secretary-General or their representative and the accounting officer shall attend the Board's meetings in an advisory capacity.

The President may invite any person to attend the Board's meetings. Those attending the meetings are bound by a duty of confidentiality regarding the deliberations.

The Board may also hear from any qualified person or expert whom the President deems it useful to hear. The person invited shall participate only in the agenda item on which the Board is hearing them and shall not take part in the deliberations.

Article 6

Board Deliberations

6.1. Quorum

The Board may only validly deliberate in the presence of a majority of its serving members. Where a member does not take part in a deliberation or abstains from sitting because they consider themselves to be in a conflict of interest, they shall not be counted for the purposes of the quorum.

The quorum is established by the President at the start of the meeting and when each item on the agenda is considered. If the quorum is not met at the start of the meeting or during the meeting, the President shall suspend the meeting and defer the unconsidered items to a subsequent meeting, to be held within a maximum of fifteen days.

Decisions of the Board are taken by a majority of the members present. In the event of a tie, the President has the casting vote.

6.2. Voting Procedures

Voting shall be by a show of hands. A secret ballot shall be held if requested by the President or by a member of the Board. In the event of a tie in a secret ballot, the President's vote shall be made public and shall be the casting vote.

Voting by proxy is not permitted. No member of the Board may be represented.

The President of the High Council may decide that a deliberation is to be conducted by means of a telephone or video conference in accordance with Articles 2 and 4 of Ordinance No. 2014-1329 of 6 November 2014 on remote deliberations by collegial administrative bodies and Decree No. 2014-1627 of 26 December 2014. The system used ensures the identification of participants, their effective participation in the meeting, and the confidentiality of the proceedings vis-à-vis third parties. The technical specifications of this system allow for the continuous, simultaneous, and effective transmission of the proceedings.

6.3. Written Consultation

The President may decide to use an exceptional written consultation procedure where it is necessary to consult the Board urgently on a specific matter without waiting for its next meeting.

In such cases, the members of the Board are consulted individually by any available written means or in electronic means.

The President of the High Council shall receive, within a period of not less than forty-eight hours, the comments and votes cast by the members.

Decisions taken by written consultation shall be deemed to have been adopted at the end of the period set by the President. The quorum shall be calculated on the basis of the number of responses received within that period. The decisions taken shall be appended to the minutes of the Board's next meeting, together with details of the votes and comments received, the names of those who voted and the result of the vote.

Article 7 Incapacity to serve and Breaches of Duty

A member of the Board who finds themselves in a situation of incompatibility must remedy that incompatibility within thirty days of their appointment. If no action is taken within this period, the President of the High Council, or at least one-third of the members of the Board where the incompatibility concerns the President, shall declare that the member is deemed to have resigned.

In the event of a member of the Board being unable to perform their duties, their term of office may be suspended for a specified period, either at the request of the member concerned or by the Board, by a three-quarters majority of the other members, on the proposal of one of them.

A member's term of office shall be terminated in accordance with the procedures laid down for their appointment, either in the event of resignation or on the proposal of the President or one-third of the members of the Board, following a decision taken by a three-quarters majority of the members of the Board other than the member concerned, finding that there has been a serious breach of their legal obligations or a permanent incapacity preventing them from continuing in office.

Such a decision may only be taken after the member concerned has been given the opportunity to present their observations within a period of not less than one week. The vote shall be by secret ballot in the absence of the member concerned. Information relating to the resignation or to the decision proposing that the term of office of a member of the Board shall be forwarded to the appointing authority.

Article 8 **Secretariat of the Board**

The Secretary of the Board is an official of the High Council appointed by the President. They are responsible for preparing notices of meetings, compiling meeting documents, and drafting and distributing the minutes of the Board's meetings.

The minutes of each meeting are approved by the Board at its next meeting. The minutes and deliberations, as well as any act, document or correspondence adopted by the Board, are signed by the President.

The President may, on their own initiative, correct any resolution adopted by the Board that is marred by a clerical error or a material omission, provided that this has no bearing on the meaning and scope of the resolution.

Resolutions are published on the High Council's website, subject to the confidentiality requirements laid down by law and regulations. The original copies of the minutes and resolutions are retained and archived by the Secretariat-General.

TITLE III **ETHICS OF BOARD MEMBERS**

Article 9 **General Obligations of Board Members**

Members and former members of the High Council's Board are required to maintain the confidentiality of deliberations. They are bound by professional secrecy, subject to the conditions set out in Articles 226-13 and 226-14 of the Criminal Code. They shall exercise professional discretion with regard to all facts, information or documents of which they are or have been aware in the course of or in connection with the performance of their duties.

Members of the Board shall perform their duties with dignity, probity and integrity and shall take care to prevent or immediately put an end to any conflict of interest, within the meaning of Article 2 of Law No. 2013-907 of 11 October 2013 on transparency in public life.

No member may sit on the Board or, where applicable, take part in a deliberation if:

- there is a conflict of interest, or there has been such a conflict of interest during the three years preceding the deliberation;
- they represent, or have represented during the same period, one of the interested parties.

In such cases, that member may not take part in any meeting or express any opinion in relation to the deliberation in question.

In the exercise of their duties, members of the Board shall neither receive nor seek instructions from any authority.

Members shall not, in the course of their duties, solicit or accept, for themselves or for third parties, any benefit, gift or invitation that might influence, or appear to influence, their independence, their impartiality or the manner in which they carry out their duties as members of the Board.

Article 10 **Incompatibilities**

The office of member of the Board is incompatible with the functions referred to in Articles 2 and 3 of Organic Law No. 2017-54 of 20 January 2017 on independent administrative authorities and independent public authorities, Article 10 of Law No. 2017-55 of 20 January 2017 laying down the general status of independent administrative authorities and independent public authorities, and with

the functions referred to in Article 5 of Decree No. 2021-1536 of 29 November 2021 on the organisation and operation of the High Council for the Evaluation of Research and Higher Education.

Article 11
Declarations to the High Authority for Transparency in Public Life (HATVP)

11.1. At the start of the Term of Office

Pursuant to the provisions of Article 11 of Law No. 2013-907 of 11 October 2013 on transparency in public life, within two months of taking up their office, each member of the Board must submit to the President of the High Authority for Transparency in Public Life (hereinafter "HATVP") a declaration of assets and a declaration of interests.

In accordance with Decree No. 2013-1212 of 23 December 2013 on declarations of assets and declarations of interests submitted to the HATVP, these declarations are not made public by the HATVP.

Failure to submit these declarations, or to declare all of one's interests or assets, is punishable by criminal penalties.

A copy of the declaration of interests is forwarded to the President of the High Council.

In accordance with Article 11 of Law No. 2017-55 of 20 January 2017 on the general status of independent administrative authorities and independent public authorities, the declaration of interests submitted by a member is made available to the other members of the Board upon request to the President of the High Council.

11.2. At the end of the Term of Office or in the event of renewal

Within two months of the end of their term of office or of the renewal of their term of office – if, in the latter case, no declaration has been submitted during the preceding six months – members must submit a declaration of assets to the President of the HATVP.

This shall be submitted via an online teleservice accessible on the HATVP's website (ADEL).

TITLE IV
ETHICS OF HIGH COUNCIL STAFF

The following provisions apply to all staff of the High Council, including those holding the position of scientific adviser, whether they are civil servants in active service, seconded or made available, non-permanent public-sector staff recruited on fixed-term or permanent contracts, or employed on a full-time or part-time basis.

Article 12
Obligations to Declare Interests and to Recuse Oneself

12.1. Declaration to the President of the High Council

Staff members shall declare to the President of the High Council the functions they hold or have held during the last five years, and the mandates and interests they hold or have held during the same period in institutions or bodies that are liable to be evaluated by the High Council.

12.2. Declarations to the High Authority for Transparency in Public Life (HATVP)

Within two months of their appointment, the Secretary-General and Deputy Secretaries-General, as well as the department directors, shall submit a declaration of assets and a declaration of interests to the President of the HATVP.

Within two months of the end of their duties, they shall submit a further declaration of assets to the President of the HATVP.

These declarations are not made public by the HATVP. A copy of the declaration of interests is forwarded to the President of the High Council.

12.3. *Obligation to Recuse Oneself*

Staff members of the High Council may not participate in the work or in the drafting of reports relating to the evaluation of an entity to which they otherwise belong.

Article 13 **General Duties**

Staff members shall carry out their duties in accordance with the ethical obligations set out in these Internal Regulations and in the High Council's Evaluation Charter, whilst upholding:

- dignity: staff members must not bring the High Council into disrepute;
- impartiality: staff members shall not intervene in any proceedings nor participate in any opinion or decision in which they have a personal interest;
- integrity: staff members shall carry out their duties in a selfless manner;
- probity: staff members must not derive any personal benefit from the performance of their duties, so as not to compromise their independence.

They shall carry out their duties diligently and efficiently in the interests of the High Council and of the natural or legal persons with whom they have dealings.

13.1. *Neutrality*

Staff members of the High Council are bound by a duty of neutrality. In the course of their duties, they must not express any political, philosophical or religious views.

This obligation requires, in particular, that each staff member refrain from expressing their personal beliefs whilst carrying out their duties and from using their membership of the High Council for the purposes of propaganda or proselytising. Staff members of the High Council shall treat all persons equally and respect their freedom of conscience and dignity.

13.2. *Duty of Reserve*

Staff members of the High Council are subject to a duty of discretion. All staff members must exercise discretion and restraint in the written and oral expression of their personal opinions.

They shall refrain, in the performance of their duties or when referring to their status as staff members of the High Council, from expressing any opinion that undermines the image of the High Council or its proper functioning. The duty of discretion does not preclude the right of trade union representatives to express themselves when speaking in that capacity and within the scope of their trade union duties. Staff members of the High Council shall refrain from carrying out any acts or adopting any behaviour that would be detrimental to the High Council, including by damaging its reputation or image.

13.3. *Loyalty*

In all circumstances of their professional life, staff members shall act loyally towards the High Council and shall comply with the legal, regulatory, statutory or contractual provisions applicable to them.

It is the responsibility of each staff member to comply with the ethical obligations set out above.

Where applicable, it is the responsibility of the line manager or functional manager to ensure that all staff under their authority comply with these principles.

13.4. *Benefits, Gifts and Invitations*

Staff members shall derive no benefit, either directly or indirectly, from their dealings with natural or legal persons associated with the High Council, nor shall they derive any profit from the influence they may exert by virtue of their duties.

They shall not solicit any benefit, gift, invitation or promise of such gratuities. Staff members are required to exercise the utmost caution with regard to gifts and invitations that may be offered to them by third parties in the course of their duties, and must inform their line manager before accepting any such offer.

In any event, staff members may only accept, on a personal basis, small gifts (promotional or advertising items of low value) and invitations that fall within the scope of customary professional relations and are not likely to compromise their independence and impartiality.

Generally speaking, it is the staff member's responsibility to report any other invitations and/or gifts received or offered. The department or division head shall decide on the measures to be taken:

- acceptance for collective use;
- return to the sender;
- reporting to the Secretary-General.

Article 14 **Prevention and Management of Conflicts of Interest**

Staff members shall ensure that any situations of conflict of interest in which they find themselves or might find themselves are prevented or brought to an immediate end.

A conflict of interest, within the meaning of Article 2 of Law No. 2013-907 of 11 October 2013, as amended, on transparency in public life, means any situation involving a conflict between the interests of the High Council and the personal interests of a staff member or those of their family or close associates that is likely to influence, or appear to influence, the independent, impartial and objective performance of their duties.

It is the responsibility of staff members to identify situations likely to give rise to a conflict of interest or the appearance of a conflict of interest and to ensure that measures are taken without delay to put an end to such situations.

As soon as a staff member considers that they are in a situation of conflict of interest, they must refer the matter in writing to their line manager or functional manager. The latter, following the referral or on their own initiative, shall conduct an evaluation of the situation and draw the necessary operational conclusions.

Where necessary, they shall therefore delegate the handling of the matter or the drafting of a decision to another person. This decision shall be binding on the staff member concerned.

The staff member shall also take the following measures:

- where they have been granted delegated signing authority, they shall refrain from exercising it;
- where they are a member of a collegial body, they shall refrain from sitting on the body or, where applicable, from taking part in deliberations (duty of abstention);
- where they exercise powers vested in them personally, they shall be replaced by a delegate to whom they shall refrain from giving instructions.

During the annual performance review with their line manager, the staff member shall inform them of any potential conflicts of interest arising in the course of their duties.

TITLE V **ETHICS OF HIGH COUNCIL EXPERTS**

Experts are subject to the provisions applicable to them under the legislation and regulations in force, Title IV of these Internal Regulations, and those set out in the High Council's Evaluation Charter. The names and curriculum vitae of French and foreign experts who have participated in evaluations are made public.

Article 15

Obligation to Declare Interests and to Recuse Oneself

Experts shall declare to the President of the High Council the functions they hold or have held during the last five years, as well as the mandates and interests they hold or have held during the same period in institutions or bodies that are liable to be evaluated by the High Council.

Experts of the High Council may not participate in the work or in the drafting of reports relating to the evaluation of an entity to which they belong.

**Article 16
Confidentiality**

Experts acting on behalf of the High Council and referred to in the sixth paragraph of Article L. 114-3-1 of the Research Code are required, in the course of their duties, to comply with the rules on professional secrecy pursuant to Articles 226-13 and 226-14 of the Criminal Code.

They shall exercise professional discretion with regard to all facts, information or documents of which they are or have been aware in the course of or in connection with the performance of their duties.

They undertake to use the data on which the evaluation was based solely for the purposes of their evaluation duties and to destroy such data once those duties have been completed.

**Article 17
Miscellaneous Provisions**

These Internal Regulations are published in the Official Journal of the French Republic. They are available on the High Council's website.

Any amendment to these Internal Regulations shall be adopted by the Board by a majority of the members present, on a proposal from the President, and shall be published in the Official Journal of the French Republic, as well as on the High Council's website.