



Code of Conduct on Conflicts of Interest

Adopted

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TRANSLATION

Introduction	3
Section 1 - General	4
Chapter 1 - Scope and definitions	4
Chapter 2 - Principle	4
Chapter 3 - Participation in bodies and responsibilities of chairs	4
Chapter 4 - Incompatibilities of policy positions	6
Chapter 5 - Reporting a conflict of interest	6
Reporting by the person or persons concerned	6
Reporting by a third party	7
Reporting methods	7
Consequences of a report	7
Chapter 6 - Sanctions	8
Chapter 7 - Conflicts of Interest Committee	8
Chapter 8 - Appeal against measures taken	10
Chapter 9 - Hierarchy of norms	10
Section 2 - Relationships between an education provider and student	11
Section 3 - Relationships between a supervisor - co-supervisor - jury/committee member - PhD student	12
Chapter 1 - Relationships between a supervisor/co-supervisor/committee member/jury member - PhD student	12
Chapter 2 - Relationships between a supervisor – co-supervisor	13
Chapter 3 - Other provisions	13

This Code of Conduct was originally drafted in Dutch. The translation into English has been done with care. Should discussions arise on the interpretation of the English text, the interpretation of the original Dutch text will be decisive.

Introduction

A possible entanglement of professional and/or private relationships may give rise to ambiguity and perceived or effective conflicts of interest. Clear rules promote clarity and unambiguity. But practice is often complex, especially in a larger organisation like Hasselt University.

Rules cannot capture all possible situations. This is why Hasselt University, as an employer, expects all employees to take responsibility and carry out their work with integrity. Managers have an important role in setting a good example to their employees. Where sensitive positions exist within their entity, and in specific situations, the managers and employees involved must make additional agreements and adhere to them. Employees of Hasselt University - as mentioned in the integrity charter - must adopt a collegiate, courteous and respectful attitude during internal and external contacts. Employees must act responsibly and transparently in the event of potential or actual conflicts of interest. Employees who find themselves in a situation which could lead to a conflict of interest must act responsibly.

This code of conduct is only one part of Hasselt University's [integrity policy](#) and aims to set out specific guidelines to help employees reflect on what it means to work with integrity in line with Hasselt University's values and to avoid or put an end to potential and/or existing conflicts of interest or abuses of power.

These guidelines take account of employees' privacy and integrity. In principle, this code of conduct is not aimed at relationships in the private sphere which employees enter into and maintain, unless the interests and integrity of Hasselt University may be harmed.

Conflicts of interest do not necessarily prevent autonomous and objective judgements being made by those involved. However, a private relationship can in certain circumstances lead to conflicts or potential conflicts of interest or adversely affect the working atmosphere within a service or group. For example, there is a risk of:

- *entangled interests*;
- *disadvantaging* certain colleagues relative to the person with whom one has a relationship;
- *favouring* a person with whom one has a relationship;
- *acting in a manner detrimental* to a person with whom one has or had a relationship due to overcompensation or resentment;
- *abuse of power*, where one's own position or authority is deliberately used to unlawfully advantage or disadvantage a person with whom there is a relationship of trust, power or authority.

In addition, the perception of conflicts of interest arising from a private relationship can disrupt the atmosphere within a service or group. This is especially the case when the people involved work very closely together or in a hierarchical relationship with each other. It is for this reason that the code of conduct aims to clarify certain situations, but also to point out the responsibility that every Hasselt University employee has if a conflict of interest arises.

In addition to the general principles, the code of conduct below also covers the following situations:

- relationships between an education provider and a student
- relationships between supervisor / co-supervisor / jury member / PhD student
- incompatible positions
- participation in Hasselt University bodies

The code of conduct also focuses on the procedures for reporting potential and/or actual conflicts of interest, as well as the consequences of failure to report.

In order to keep the policy on conflicts of interest as uniform as possible and build up the necessary expertise, a Conflicts of Interest Committee will be set up to provide advice in situations where potential and/or actual conflicts of interest need to be resolved.

Integrity problems can, of course, also arise outside the sphere of private relationships. In this case, other procedures laid down in regulations and statutes will be applied. The rules and guidelines contained in these are not affected by this code of conduct. If any contradictions exist or arise between specific internal regulations and the code of conduct, the provisions of the code of conduct

will take precedence. The code of conduct will also become part of Hasselt University's employment regulations.

Section 1 - General

Chapter 1 - Scope and definitions

Article 1

The code of conduct applies to all Hasselt University employees, regardless of their status.

The code of conduct applies to all faculties, services, research institutes and centres, as well as to all other entities, including academic entities, that are part of Hasselt University.

Article 2

The following definitions are used in this code:

- *Conflict of interest*: a situation in which the personal interests of an employee are at odds with the interests of Hasselt University
- *Private relationships*: these include the following relationships:
 - Family relationships, both by blood and by affinity, whether or not those concerned are living together, up to and including the third degree including plus children and/or plus parents
 - Business relationships;
 - Romantic relationships.
- *Bodies*: Hasselt University's policy boards, decision-making bodies and advisory bodies as defined in the Academic Structure Regulations, employment regulations and other Hasselt University regulations.

Hereinafter, the term 'conflicts of interest' is used if the term 'relationship' could be interpreted too narrowly.

Chapter 2 - Principle

Article 3

Hasselt University employees must themselves make the necessary considerations regarding (potential) conflicts of interest in the performance of their duties and assignments to Hasselt University. . . .

If an employee is of the opinion that a conflict of interest may arise, the employee must report this in accordance with the procedure in Section 1, Chapter 5 of this code of conduct.

Chapter 3 - Participation in bodies and responsibilities of chairs

Article 4

All employees who are involved in a Hasselt University body must act in accordance with the principles of the integrity charter and this code of conduct.

Employees who are involved in a Hasselt University body must always check whether there is a conflict or potential conflict of interest. If there is a conflict or potential conflict of interest relating to participation in a Hasselt University body, the employee concerned must report this as soon as possible to the chair of the relevant body. If it is unclear whether a suspected conflict of interest is an actual conflict of interest, the relevant body can rule on this.

Employees in a private relationship cannot assess, evaluate or select each other when participating in a Hasselt University body.

In a University body, deliberations, decisions and advice giving rise to a conflict of interest of any kind for a member must take place in the absence of the member concerned.

Article 5

Employees in a private relationship may only participate simultaneously in a body if the total number of members not involved in a private relationship is greater than the total number of persons involved in a private relationship.

If, as a result of Paragraph 1 of this article, employees in a private relationship are able to simultaneously participate in a body, they may under no circumstances participate in agenda items that directly relate to advice or decision-making with regard to their partner or partners in the private relationship.

Article 6

Employees involved in a conflict of interest may not sit on a body that has to make a selection or formulate an assessment or evaluation about the person or case that the conflict of interest relates to. Under no circumstances may the 'specific expertise' of the employee concerned lead to an exception being made to this.

Article 7

It is the responsibility of every employee to personally check whether there is a conflict or potential conflict of interest in the handling of agenda items within a body. Hasselt University assumes that when an agenda item is handled within a body, there is no conflict of interest with regard to the agenda item for any member of the body.

If there is a conflict of interest with regard to a particular item on the agenda, this must be reported as soon as possible to the chair of the body concerned. Action will then be taken in accordance with Article 4, Paragraph 4, and the discussion of the agenda item will take place in the absence of the member concerned.

Article 8

If the chair of a body establishes during the meeting that a conflict of interest has not been reported, the chair must request the employee or employees involved to withdraw from the discussion of the agenda item in question. If the person concerned does not agree with the view of the chair, this person may make an appeal to the immediately higher hierarchical body.

If the person involved refuses to withdraw from the discussion of the agenda item where the conflict of interest exists, the agenda item will not be discussed and the chair will immediately report this occurrence to the immediately higher hierarchical body.

Article 9

If the chair of a body has a conflict of interest with regard to one or more agenda items, the vice chair must chair the meeting in which the relevant agenda items are discussed and dealt with. If the vice chair is also involved in a conflict of interest, the member with the longest employment record within Hasselt University will assume the role of chair.

If the body does not have a vice chair, the member with the longest employment record within Hasselt University will assume the role of chair.

Article 10

Avoiding conflicts of interest always takes priority over maintaining any prescribed balances in the composition of a body. If the resignation of a member from a body due to a conflict of interest results in a disruption to the prescribed balances in the composition of the body, the immediately higher hierarchical body will take appropriate measures to nevertheless comply with the prescribed balances and to resolve the conflict of interest.

Chapter 4 - Incompatibilities of policy positions

Article 11

For employees in a private relationship, the functions listed below are incompatible in the sense that these functions cannot be exercised simultaneously by two employees in a private relationship:

- rector
- vice-rector
- academic administrator
- general administrator
- chair of the Board of Governors
- vice chair of the Board of Governors
- dean
- vice dean
- directors (in general)

Article 12

The following other positions are also incompatible for employees in a private relationship within the same faculty :

- dean/vice dean and chair/vice chair of the school board
- departmental dean/vice dean and departmental chair
- dean/vice dean and chair of the interfaculty school board
- dean/vice dean and chair of the education management team
- dean/vice dean and chair of the examination board
- dean/vice dean and member of the research board
- dean/vice dean and member of the education board
- administrative director and administrative and technical staff representative on the faculty board

Article 13

In exceptional cases, the Board of Governors, on the proposal of the Conflicts of Interest Committee, may allow justified exceptions to the aforementioned incompatibilities. The duration of the exception should be minimised, depending on the particular circumstances.

When the period of the permitted exception referred to in Paragraph 1 expires, the circumstances that gave rise to the exception must be thoroughly evaluated by the Board of Governors.

The Board of Governors may exceptionally, after evaluating the performance of the employees concerned, and with valid reasons, permit an extension of the exception referred to in Paragraph 1.

Article 14

If a conflict of interest arises during the exercise of a position, the persons concerned must report this as soon as possible in accordance with the procedure in Section 1, Chapter 5 of this code of conduct.

Article 15

The incompatibilities referred to in Articles 11 and 12 restrict employees in a private relationship from standing for election to the positions mentioned in those articles.

The incompatibilities referred to in Articles 11 and 12 may entail a restriction of internal mobility or promotions if the candidate could be subject to a conflict of interest due to a private relationship. Under no circumstances should the selection of a candidate be influenced by a potential conflict of interest.

Article 16

For all situations of incompatibility for which no provision is made by this code of conduct, the Board of Governors will take an appropriate decision after advice from the Conflicts of Interest Committee.

Chapter 5 - Reporting a conflict of interest

Reporting by the person or persons concerned

Article 17

Preventive reporting

If the person concerned establishes that a conflict of interest may arise in connection with the exercise of the position, he or she is obliged to report this in advance so that the conflict of interest can be avoided.

Remedial reporting

If the person concerned establishes that a conflict of interest which he or she could not anticipate in advance has actually arisen in connection with the exercise of the position, he or she is required to report this as soon as possible in order to avoid further negative effects. The person concerned must take action to ensure that the conflict of interest is resolved as quickly as possible.

Reporting by a third party

Article 18

If it is established that a conflict or potential conflict of interest is not being reported in accordance with Article 17, it may be reported by third parties.

procedures

Article 19

An employee who wishes to report a conflict or potential conflict of interest should use the procedures set out in this code of conduct in accordance with the position exercised by the person concerned or where the conflict of interest arises or may arise.

If it is not clear to the employee who wishes to make a report where this should be done, advice may be sought from the following persons:

- 1) Managers
- 2) Confidants
- 3) Ombudsperson for students
- 4) Ombudsperson for PhD students

Article 20

In order to ensure the integrity and privacy of the persons concerned and the person reporting, the recipient of the report does not necessarily need to know the actual reason for the conflict or potential conflict of interest if it concerns a family or romantic relationship.

In the case of a business, commercial or financial relationship, the person concerned must always state the reason in the report, in view of, among other things, the provisions relating to secondary activities and the integrity charter.

The recipients of the report should always treat the report and its follow-up in a respectful and confidential manner. The recipients of the report will not specify which employees have made the report, unless these employees have given explicit permission to do so. The recipients of the report will always confirm receipt of a report to the person reporting by E-mail.

To avoid disagreements or misunderstandings, it is advisable not only to make a report verbally, but also to confirm it in writing/electronically.

Consequences of a report

Article 21

Report made by the person or persons concerned

The manager or competent person/body will consider within a reasonable period of time what measures should be taken to resolve the conflict or potential conflict of interest in accordance with the provisions of this code of conduct. If desired, advice on this may be sought from the Conflicts of Interest Committee.

Article 22

Report made by a third party: warning for the person or persons concerned

In the event of a report being made by a third party, the manager or competent person/body will hold a meeting with the person or persons concerned within a reasonable period of time to discuss the conflict or potential conflict of interest. In the event of there being a conflict or potential conflict of interest, the person or persons concerned will be warned of the potential undesirable consequences

of this and will be asked to fulfil their responsibilities in accordance with the provisions of this code of conduct.

The date and content of the discussion will be recorded in writing.

If the conflict or potential conflict of interest persists after this, the manager or competent person/body will consider what measures should be taken to resolve the conflict or potential conflict of interest in accordance with the provisions of this code of conduct. The manager or competent person/body may request advice on this from the Conflicts of Interest Committee.

Chapter 6 - Sanctions

Article 23

If the person(s) concerned not take preventive or remedial action themselves even though they should have been aware of the conflict of interest, appropriate measures will be taken by the manager(s) or competent bodies with regard to the persons concerned.

These measures may be of a protective nature in order to avoid or limit the need for sanctions in accordance with Article 25.

Article 24

If the warning referred to in Article 22 does not lead to improvement, or if there is a clear integrity issue or complaint, the matter will be submitted to the Conflicts of Interest Committee. The Conflicts of Interest Committee will conduct an investigation and, if the complaint is found to be well-founded, will report to the rector, who may take appropriate measures.

If the specific case also involves a violation of scientific integrity, the Scientific Integrity Committee (CWI) will be asked to submit written advice to the Conflicts of Interest Committee.

Article 25

Notwithstanding the measures that may be taken in accordance with this code of conduct, current legislation or Hasselt University regulations may contain grounds on the basis of which sanctions, including but not limited to employment law and disciplinary measures, may be imposed in the event of a violation of the code of conduct.

Chapter 7 - Conflicts of Interest Committee

Article 26

The Conflicts of Interest Committee consists of two of the four chairs of the Committee on Medical Ethics (CME), Social and Societal Ethics Committee (SMEC), the Ethics and Integrity Steering Group and the Inclusion Steering Committee, and the general administrator or the academic administrator as appropriate.

The director of the Personnel & Organisation office will prepare the meeting of the Conflicts of Interest Committee and attend the meeting in an advisory capacity. If the director of Personnel & Organisation is a directly concerned party, the general administrator will designate a replacement.

Experts may also be invited by the committee. They will attend in an advisory capacity.

The Conflicts of Interest Committee will always ensure that the cases it handles are settled within a reasonable period.

The Conflicts of Interest Committee will draw up internal rules of procedure.

Article 27

If the warning referred to in Article 22 does not lead to improvement, the Conflicts of Interest Committee will conduct an investigation in accordance with Article 24.

Article 28

If no solution to a potential or actual conflict of interest can be found with the person or persons concerned, apart from a prior warning, a request for advice will be submitted to the Conflicts of Interest Committee.

Article 29

The recipients of the report will submit a case in writing/electronically to the chair of the Conflicts of Interest Committee. The recipients of the report are those listed in Article 19.

Article 30

The Conflicts of Interest Committee has an advisory function and cannot make decisions. The body to which advice is given is determined by the particular case. The Conflicts of Interest Committee may also advise on potential conflicts of interest for which no guidelines have yet been developed.

Chapter 8 - Appeal against measures taken

Article 31

If an employee does not agree with the measures taken as a result of an integrity risk arising from a conflict of interest that has been reported or established in relation to himself or herself, he or she has the right to appeal against this to the Appeals Committee.

Article 32

The Appeals Committee is made up of the general/academic administrator (administrator not involved in the Conflicts of Interest Committee referred to in Article 26), the two vice rectors and the directors of Hasselt University's central administrative offices. The Appeals Committee must have five members present to handle a case validly.

If a conflict of interest leads to a replacement of a committee member, the gender balance must be maintained in view of the decree-based nature of this requirement.

The Appeals Committee will draw up its internal rules of procedure.

Article 33

The appeal will be submitted to the Appeals Committee in writing/electronically by letter/E-mail addressed to the Appeals Committee. The appeal must be submitted within 30 calendar days of notification of the measures taken.

The Appeals Committee must assess the case within two months after receipt of the appeal submission. The two-month period is suspended between 15 July and 15 August and in the event of collective closures.

The Appeals Committee may deviate from the two-month assessment period with reasons if circumstances so require .

Experts may also be invited by the Appeals Committee. They will attend in an advisory capacity.

Article 34

The Appeals Committee will formulate a final judgement on the measures taken. It is up to the manager or person in charge of the body - if necessary and in consultation with the Conflicts of Interest Committee - to make any adjustments necessary to the contested measures.

Chapter 9 - Hierarchy of norms

Article 35

If any contradictions arise between specific internal regulations/statutes and this code of conduct, which forms part of the employment regulations, the text and interpretation of this code of conduct will always take precedence.

Section 2 - Relationships between an education provider and student

Article 36

An examiner may not be involved in the assessment of any blood relative or family member to the third degree or of any persons with whom the examiner lives or their blood relatives or family members to the third degree. If the examiner is responsible for coordinating the programme component concerned, the chair of the examination board will appoint a substitute.

Article 37

Members of the examination board cannot take part in deliberations and decisions relating to persons with whom they have a private relationship.

Article 38

Members of the examination board office cannot take part in discussions and decisions relating to persons with whom they have a private relationship.

Article 39

In situations other than those mentioned above, it is assumed that there is no conflict of interest when an education provider takes on an assessing role as an examiner.

If, due to particular circumstances, the examiner cannot guarantee the impartiality or objectivity of the professional relationship, he/she will ensure that he/she has no involvement in decisions about the student in question. In this case, the examiner will contact the ombudsperson for students. If possible, another examiner will be designated. If this is not possible, complementary measures will be sought together with the ombudsperson for students so that the objectivity and impartiality of the assessment is guaranteed.

The student may also contact the ombudsperson for students.

Article 40

The provisions in this section supplement the general provisions in Section 1, which remain fully applicable.

In the event of a conflict between the provisions in Section 2 and those in any other section of this code of conduct, the provisions in this Section 2 will take precedence.

Section 3 - Relationships between a supervisor - co-supervisor - jury/committee member - PhD student

Chapter 1 - Relationships between a supervisor/co-supervisor/committee member/jury member - PhD student

Article 41

A supervisor, co-supervisor, committee member or jury member may not be involved in the coaching of or decision-making process relating to any blood relative or family member to the third degree or of any persons with whom the supervisor, co-supervisor, committee or jury member lives or their blood relatives or family members to the third degree.

Article 42

A supervisor, co-supervisor, committee or jury member who will assume an assessment role in the context of a PhD is required to check whether there is a conflict or potential conflict of interest for any PhD student who does not fall within the scope of Article 41.

If, due to particular circumstances, a supervisor, co-supervisor, committee member or jury member cannot guarantee the impartiality or objectivity of the professional relationship, he/she will ensure that he/she has no involvement in the decision-making processes relating to the PhD student concerned. In this case, the supervisor, co-supervisor, committee member or jury member will contact the ombudsperson for PhD students.

The PhD student may also contact this ombudsperson.

Article 43

Hasselt University assumes that when a person takes on the role of supervisor, co-supervisor, committee member or jury member, there is no conflict of interest within the meaning of Article 41 or 42 of this code of conduct.

The supervisor, co-supervisor, committee member or jury member is responsible for checking whether there is a conflict of interest, for reporting this in accordance with the procedure in Section 1, Chapter 5 and, where applicable, for taking the necessary action or proposing suggested solutions.

Article 44

If a private relationship between a supervisor, co-supervisor, committee or jury member and a PhD student arises during the duration of the PhD, this must be reported as soon as possible to the ombudsperson for PhD students.

If the entry into force of the current code of conduct results in existing relationships between a supervisor, co-supervisor, committee or jury member and a PhD student constituting a conflict of interest, this must also be reported to the ombudsperson for PhD students as soon as possible and no later than one month after the entry into force of the code of conduct.

In the cases described in Paragraphs 1 and 2 of this article, the supervisor, co-supervisor, committee member or jury member must be replaced as soon as possible, and no later than six months after the reporting of the private relationship to the ombudsperson for PhD students.

Article 45

In the event of a conflict or potential conflict of interest or in the event of a violation of the code of conduct, both the supervisor, co-supervisor, committee or jury member and the PhD student may contact the ombudsperson for PhD students, at PhD-Ombuds@UHasselt.be, in accordance with the provisions of the 'Regulations regarding the obtaining of the PhD degree at Hasselt University (UHasselt)/Transnational University Limburg (tUL)' (the PhD Regulations).

The ombudsperson will act as an impartial third party who listens and gives advice and will only assume a mediating role on request and in consultation with the PhD student.

Chapter 2 - Relationships between a supervisor – co-supervisor

Article 46

The supervisor and co-supervisor play an important role in the coaching and assessment of a PhD student. Given the unique hierarchical relationship between a PhD student and his or her supervisor and co-supervisor, the role of supervisor and co-supervisor in the joint coaching of one or more PhD students may not be undertaken by persons who are in a private relationship with each other.

Article 47

If a private relationship between a supervisor and co-supervisor arises during the duration of the PhD, this must be reported as soon as possible to the ombudsperson for PhD students.

If the entry into force of the current code of conduct results in existing relationships between a supervisor and co-supervisor constituting a conflict of interest, this must also be reported to the ombudsperson for PhD students as soon as possible and no later than one month after the entry into force of the code of conduct.

In the situation described in Paragraphs 1 and 2, the division of roles between supervisor and co-supervisor must be changed as soon as possible so that there is no longer any violation of the code of conduct, and no more than six months after the reporting of the private relationship to the ombudsperson for PhD students. The PhD student's supervisor should take the initiative in this.

One of the options for changing the division of roles between a supervisor and co-supervisor as described in Paragraph 3 is that a supervisor or co-supervisor becomes a member of the committee, but only if the doctoral committee is sufficiently large, i.e. if the total number of committee members not involved in a private relationship is greater than the total number of persons involved in a private relationship.

Chapter 3 - Other provisions

Article 48

The provisions in this section supplement the general provisions in Section 1, which remain fully applicable.

In the event of a conflict between the provisions in Section 3 and those in any other section of this code of conduct, the provisions in Section 3 will take precedence.