

## Conflicts of interest policy

August 21, 2024

The Executive Board of the Zurich University of the Arts decides on the basis of § 3, § 4 para. 1 and § 7 para. 2 of the Personnel Ordinance of the Zurich University of Applied Sciences (PVF):

### § 1 Purpose

The ZHdK strives for equality of opportunity and expects all its members to correctly and fully disclose any conflicts of interest. The law prohibits persons from participating in or preparing decisions of any kind, in particular employment, dismissal, allocation of workloads, promotions, salary increases, employee appraisals, awarding of contracts, if they appear personally biased in the matter (§ 5a Administrative Jurisdiction Act, VRG). Employees must safeguard the interests of the ZHdK in good faith (§ 49 of the Personnel Act, PG). Accepting or granting benefits is prohibited (Art. 322 ff. of the Swiss Criminal Code, SCC and Art. 50 PG).

### § 2 Terms

|                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Binding interests                                                  | All financial dependencies or close economic ties, family and other relationships (e.g. personal interests, kinship, friendship or negative bias, relationships of dependency, secondary employment, public offices, shareholdings, etc.) that are likely to influence the behavior of a person.                                                                                                                                          |
| Conflicts of interest                                              | All situations in which a person is in a conflict between their own interests or those of a person close to them and their obligations to ZHdK, or could appear to be in such a conflict.                                                                                                                                                                                                                                                 |
| Related parties of an employee                                     | a. Relatives and in-laws in the direct line or in the collateral line up to the third degree as well as persons who are related by marriage, engagement, registered partnership, de facto cohabitation or adoption of a child;<br>b. Persons who live in the same household as the employee;<br>c. Persons with whom there is a close friendship or enmity;<br>d. Persons to whom a financial dependency exists.<br>(non-exhaustive list) |
| Company of an employee or company of a person close to an employee | In the event of economic ties between employees or persons closely associated with them and a company or another institution, association or group (e.g. membership, contractual, financial).<br>The rules governing the exclusion of companies from the award of contracts are set out in the Procurement Directive                                                                                                                      |

### § 3 Rules on recusal in the event of conflicts of interest

Employees who have to make, participate in or prepare an order shall withdraw if:

- they have or could have a personal interest in the matter;
- a person close to them is or could be affected by the decision;
- their own company or the company of a person close to them is or could be affected by the decision;
- other circumstances exist which are objectively likely to give rise to the appearance of bias or a threat to impartiality.

#### **§ 4 Employment of related parties subject to approval**

1. The employment of a person who is close to an employee in a direct hierarchical line is not permitted
2. The employment of a person close to an employee in a non-direct hierarchical line within the same organizational unit requires the approval of the head of department, the head of dossier, the administrative director or the rector. The approval of the Rector is required for the employment of persons who are close to the Head of Department, the Head of Dossier or the Administrative Director. The approval of the Executive Board of the University is required for the employment of persons close to the Rector.
3. Clauses 1 and 2 also apply to the mutation of existing employment.
4. The application must be submitted to the competent authority in writing. The type of close relationship must be described in the application. The person responsible in Human Resources Management must be informed in advance of the intended employment.

#### **§ 5 Other arrangements requiring approval in human resources**

All arrangements in human resources that are not covered by § 4 of this directive and relate to the employment of related parties of an employee, such as the determination of the level of employment in the case of bandwidth employment, the individual performance agreement, service contracts, are subject to approval. The responsibility and procedure are based on § 4 clauses 2 and 4 of this directive.

#### **§ 6 Entry into force**

This guideline was issued by the university board on August 21, 2024 and comes into force on September 1, 2024.