

# **CODE OF CONDUCT ON INTEGRITY**

## **MAASTRICHT UNIVERSITY**

This is a translation of the document 'Gedragcode Integriteit Universiteit Maastricht'. In case of a difference of interpretation, this translation cannot be used for legal purposes and the Dutch text of these regulations will be binding.

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## **1. Introduction**

### **1.1 Purpose of this Code of Conduct**

The aim of the UM Code of Conduct on Integrity, hereinafter referred to as the 'Code of Conduct' or 'the Code', is to provide a coherent picture of the integrity policy within Maastricht University (UM). In the Code of Conduct, the main provisions on integrity at Maastricht University are explicitly brought to the attention of employees and external parties working for the university. The Code facilitates access to all manner of provisions relating to integrity and thus aims to contribute to an awareness of integrity issues and conduct.

### **1.2 Responsibility of Maastricht University**

Maastricht University is a research university, where basic and applied research are inextricably linked to education and educational innovation. UM's mission and strategy are based on four core values, which are reflected in all our activities:

being an innovator in the field of academic education and research  
applying an inclusive approach, opening our doors to all students and staff that reflect our profile  
and endorse our core values  
taking our social responsibility seriously by emphasising the relationship between the university  
and society at all levels, from local to global  
being a sustainable institution in the broadest sense of the term.

### **1.3 Integrity awareness and purpose of the Code of Conduct**

The integrity of Maastricht University is reflected in the behaviour of its employees. To this end, it is important for every employee to understand what principles underlie the concept of integrity. Integrity only acquires real meaning in day-to-day practice and in the discussions that take place about it.

Values and standards may give rise to differences in interpretation. For this reason, the Code of Conduct offers us a predetermined framework against which to test specific behaviour. However, a Code of Conduct can never provide for every possible situation. Moreover, circumstances are constantly changing as a result of new developments. We therefore expect our employees to assess whether they are acting with integrity, and to discuss this subject on a regular basis with their colleagues and supervisors.

The Code of Conduct clarifies what is meant by integrity and acting with integrity. As such, the Code of Conduct has a protective purpose: it helps employees to recognise risks, and to resist external temptations and pressure. It also helps them to understand what is or is not allowed in frequently occurring situations.

### **1.4 Relationship of Code of Conduct to other university regulations**

The Code of Conduct contains general principles and is intended to be an overarching document. In this sense, this Code supplements (or rather encompasses) other specific codes of conduct, regulations, house rules, complaint procedures and possible penalties laid down in various regulations. As part of the university's integrity policy, this Code of Conduct focuses primarily on behaviour. Maastricht University has established a number of rules and obligations with respect to integrity. This Code of Conduct raises awareness of such rules. It is supplementary to the existing

regulations and does not replace them. As a result, it is essential that employees become acquainted not only with the Code itself but also with the provisions to which the Code refers. The Code does not describe every single provision that may apply to an employee's conduct. It is the employee's responsibility to know which provisions apply in their particular situation.

### **1.5 Status and scope of this Code of Conduct**

This Code of Conduct has been adopted by the Executive Board and applies to all staff of Maastricht University. Every employee is expected to comply strictly with the Code of Conduct and the provisions regarding integrity to which it refers. The Code of Conduct shall always be emphasised as well when an employee is appointed.

Moreover, the specific department where an employee works may have its own integrity-related house rules and working instructions that the employee is expected to observe, having been informed about them. In case of any conflict between these rules and the Code of Conduct, the latter shall prevail.

Apart from its employees, other people also work at Maastricht University, such as interns, external PhD candidates, employment agency staff and externally hired staff. External staff are expected to endorse the principles of the Code and to act along the lines of the Code. For this reason, the Code of Conduct should be explicitly brought to the attention of external staff, and reference should be made to it as much as possible in procurement, enlistment and tendering procedures, in order to ensure that external staff are aware of its contents.

## **2. Good employer and employee practices**

### **2.1 Good employer practices**

Pursuant to Article 1.8(1) of the Collective Labour Agreement for Dutch Universities (CAO Nederlandse Universiteiten, CAO NU), Maastricht University has a duty of care towards its staff. A good employer behaves ethically towards its employees, does not abuse powers, respects the rights of its staff, and ensures good working conditions and a safe working environment. Among other things, this duty means that the university must protect its employees against integrity risks by structuring its organisation and work processes accordingly (for instance, through segregation of duties), taking measures (for instance, in the form of a confidential adviser) and formulating a code of conduct for acting with integrity. Being a good employer also means that Maastricht University must formulate and promote an integrity policy.

### **2.2 Good employee practices and general standards**

Employees are required to behave as befits a good employee (Article 1.8(2) of the Collective Labour Agreement for Dutch Universities). The concept of a 'good employee' is based on a number of core values and places integrity in a broader context; integrity rests primarily on the core values of reliability, critical helpfulness, independence, impartiality, openness, confidentiality and scrupulousness. These values define general standards and give direction to the conduct expected from an employee. However, some areas are subject to more specific standards and rules, which will be covered in the following chapters.

This Code of Conduct helps to clarify what is meant by acting with integrity and in this way further defines the concept of 'being a good employee'. Acting with integrity takes place in day-to-day practice and is not bound to a person's workplace or working hours. In our digital world with its flexible working methods, the line separating work and private life is quite thin. It is important for UM employees to be aware that private behaviour which may harm their surroundings, people, and/or Maastricht University can also have an impact on their good employee practices.

### **3. Conflicts of interest and specific standards and rules**

#### **3.1 Conflicts of interest**

Conflicts of interest are one of the threats to an employee's integrity and therefore require constant attention, both from the organisation and from its staff. A conflict of interest is defined as a situation in which the employee has direct or indirect personal interests that conflict with and may adversely influence the performance of their university tasks and responsibilities.

Maastricht University recognises that its staff have various interests and contacts within the local, national and international community. We assume that these links to external organisations are normally in the public interest and also benefit the university as well as the employee in question. However, Maastricht University also recognises that such connections may give rise to potential conflicts of interest. Conflicts of interest can have adverse effects not only on the university but also on the employee concerned and on their colleagues.

It is important to recognise, address and resolve any conflicts of interest in a timely fashion. Even if it turns out afterwards that there was in fact no conflict of interest, any potential conflict must be dealt with seriously and with integrity.

##### *Types of interests*

A conflict of interest involves a conflict of direct or indirect personal interests with interests related to an employee's position. Two forms can be distinguished in the case of personal interests:

financial interests, which refer to potential or actual financial losses or gains by the employee, their partner, family members or friends

non-financial interests, which refer to any non-financial benefit or advantage, including but not limited to enhancement of an individual's career, education or professional reputation and access to privileged information or specific facilities. It also refers to promoting a specific person or organisation with which the employee has a relationship, to the disadvantage of a person or organisation with which the employee does not have a relationship.

##### *Types of conflicts of interest*

We can distinguish three types of conflict of interest:

actual – the personal interests of the employee are in conflict with their professional responsibilities

perceived – the personal interests appear to interfere with the performance of the employee's tasks, but in reality do not

potential – the employee has personal interests that may lead to a conflict of interest if they are given certain tasks and responsibilities in future.

#### **3.2 Personal gain**

A Maastricht University employee may encounter a situation in which an internal or external business acquaintance offers them a gift, which might be tangible but could also be a service or a favour. This situation results in integrity risks. It is essential for the employee to safeguard their independence and to avoid even the semblance of a conflict of interest.

Article 1.15 of the [Collective Labour Agreement for Dutch Universities \(CAO NU\)](#) states that the employee is not allowed to claim or request reimbursements, remuneration, donations or promises from third parties. The employee is not allowed to accept reimbursements, remuneration or gifts,

unless the employer grants its permission. In addition, the employee is prohibited from performing work or having work performed in their own interest or for third parties in the buildings or on the premises of the employer without the latter's approval.

The basic principle for payments, remunerations (including services or favours) and gifts is that they should not be accepted if doing so could affect the employee's independence. Accepting them is at any rate prohibited in negotiation situations, in situations involving suppliers of goods or services and in situations where the giver still 'needs' something (such as an order).

If none of the above apply, employees are allowed to accept occasional small gifts with a value of €50 or less. Occasional small gifts usually represent a courtesy exchange without ulterior motives; for example, a bottle of wine or flowers as a token of appreciation for giving a presentation. More expensive gifts should not be accepted. They should be politely turned down or returned.

As in the case of accepting gifts, the context is also important for invitations (including at least invitations to special events such as theatre visits and sports events).

Networking is sometimes part of the employee's job. In this context, the employee may receive invitations from external parties. Employees are allowed to accept invitations in networking situations, on condition that doing so will not endanger the employee's independence. For this reason, employees should only accept invitations from third parties which are functional, austere and appropriate and which do not endanger the employee's independence. Another aspect that should be taken into account is the reciprocal nature of invitations; after all, when an invitation is reciprocated, the employee's independence is less likely to be endangered.

The above of course applies as well if the benefit is not to the employee themselves but to a person or organisation with which/whom the employee has a relationship (such as family members, friends or companies in which the employee or their family have an interest).

#### *Identifying conflicts of interest*

The responsibility for avoiding conflicts of interest rests with the employee. In the performance of their duties at UM, employees as well as their managers must be alert to situations in which a direct or indirect interest exists or arises. As soon as an employee identifies such an interest, or one is pointed out to them by their manager, the employee should consider whether it is likely that the interest will interfere or appear to interfere with the interests of UM. When making this assessment, an employee should consider whether objective third parties (including colleagues, managers and board members) could reasonably come to the conclusion that this interest might influence the employee to act in a manner which is not in the interests of UM. If in doubt, the employee in question should assume that there is a conflict of interest and take the steps described below.

#### *Reporting, decision-making and monitoring*

As soon as an employee concludes or suspects that there is a conflict of interest (whether actual, apparent or potential), they must immediately report this fact to their administrative manager. If the conflict of interest concerns the administrative manager themselves and does not relate to an abuse (see Article 5.3 (Whistleblowers' regulations) of this Code of Conduct), the employee may contact the confidential adviser.

The head of the administrative unit (the director or the dean, as the case may be) will decide on whether a situation of conflict of interest exists, as well as on a possible solution to a situation of

conflict of interest (e.g. by setting conditions). However, the administrative manager of the employee in question shall bear responsibility for the actual implementation (i.e. receiving and evaluating the report), as well as presenting it to the appropriate head of department for the purposes of decision-making. Evaluation and decision-making must take place in accordance with the Evaluation Instructions established by the Executive Board.

After a decision to resolve the matter has been taken, the administrative manager shall periodically check whether the decision has been complied with by the employee concerned and whether the conditions laid down in it continue to be appropriate. In any case, the administrative manager shall raise this issue with the employee during the annual appraisal, when the permission granted and any conditions will be adjusted if necessary.

Articles 3.2 to 3.7 describe examples of situations in which conflicts of interest may form a serious threat to the employee's integrity.

### **3.3 Ancillary and conflicting activities**

'Ancillary activities' shall mean all work and activities carried out by a person concerned outside their position and/or the task assigned to them at the university, regardless of:  
the scope of the employee's employment contract with the university  
the scope of the ancillary activities  
whether the employee in question receives remuneration for the ancillary activities  
whether the work is performed during or outside of working hours.  
Ancillary activities include both the active performance of work and the holding of shares in companies, for example.

Staff of Maastricht University perform their tasks within, for the benefit of and in interaction with society. They occupy a central position in society and fulfil many different roles there, in some cases including ancillary activities. Ancillary activities can have added value for academic knowledge, society and the employee themselves. These activities can require more time or less time than the employee's position at Maastricht University. Ancillary activities can also contribute to the university's social responsibility. For this reason, Maastricht University greatly encourages its staff (both academic and otherwise) to be active within society.

However, to safeguard transparency, social accountability, and a proper and ethical fulfilment of the employee's tasks, it is important for the university to be aware of its employees' work for third parties and for these activities to be performed with the employer's knowledge and approval. This provision is laid down in Article 1.14 of the [Collective Labour Agreement for Dutch Universities](#). In addition, [Sectoral regulations on ancillary activities at Dutch Universities](#) were adopted, which apply to all universities in the Netherlands. Further to these Sectoral regulations, UM has adopted the [UM Implementing Regulation on Work for Third Parties](#). This regulation imposes an obligation to report ancillary activities, but it also determines which ancillary activities are not subject to an obligation to report, namely those ancillary activities that evidently have no connection whatsoever with the activities in the regular employment context that evidently cannot in any way harm the interests of the university and:

- (a) that do not threaten the effective performance of the individual's duties at the university in any way
- (b) that are performed outside working hours
- (c) that do not receive payment or remuneration of any kind.

Every employee is obligated to report whether he or she is performing ancillary activities and must register this fact in Employee Self Service (ESS). The subject of ancillary activities is also a fixed part of the annual appraisal.

In such cases, the employee is responsible for assessing correctly whether or not to report ancillary activities and must therefore personally assess the integrity risks involved.

Within the context of social transparency, the basic principle is that ancillary activities must be published on the website. The employee's profile page will show the organisation and the description of the ancillary activities.

### **3.4 Scientific integrity and ethics**

Within Maastricht University, all employees involved in teaching and research bear personal responsibility for promoting and safeguarding scientific integrity. To this end, general principles and rules for professional academic conduct must be observed at all times.

[The Netherlands Code of Conduct for Academic Practice](#) of the Association of Universities in the Netherlands (VSNU) and the [European Code of Conduct for Research Integrity](#) provide a detailed elaboration of these principles, which are also endorsed by Maastricht University. These codes contain principles that all members of the academic community should observe both individually and towards each other as well as society. The principles can be seen as general ideas defining ethical academic practice and as an instrument for self-regulation.

One way to monitor scientific integrity is to exercise the right of complaint when employees of the university have violated or are suspected of having violated scientific integrity. To implement this right of complaint, the university has established the [Maastricht University Complaints Regulations on Scientific Integrity](#).

Complainants are advised to contact one of the confidential advisers for scientific integrity. The confidential adviser on scientific integrity acts as a point of contact for questions and complaints about scientific integrity and, if opportunities are identified to do so, tries to mediate or otherwise resolve the complaint amicably or guides the complainant towards lodging a complaint with the Committee for Scientific Integrity (Commissie Wetenschappelijke Integriteit, CWI).

The Committee for Scientific Integrity investigates complaints and subsequently issues a recommendation to the Executive Board. If the claimant or defendant disagrees with the recommendation of the Committee for Scientific Integrity and the initial or final decision of the Executive Board, the claimant or defendant may submit their case to the Netherlands Board on Research Integrity (Landelijk Orgaan Wetenschappelijke Integriteit, LOWI). The LOWI will then issue an independent recommendation to the Executive Board.

Ethical issues may arise when conducting research which involves people. This fact is particularly true in the case of studies comprising vulnerable participants requesting sensitive information from participants. When developing and conducting such research, potential ethical aspects may be addressed and measures taken, where appropriate or necessary. The Medical Research Involving Human Subjects Act (*Wet medisch-wetenschappelijk onderzoek met mensen*, WMO) and the Code of Ethics for Research in the Social and Behavioural Sciences Involving Human Subjects can serve as guidelines in this respect.

Ethical assessment of research involving the participation of test subjects or the use of personal data is carried out by various ethical assessment committees within UM. Studies that come under the scope of the [Medical Research Involving Human Subjects Act \(WMO\)](#) (in Dutch) must be reviewed beforehand by the [Medical Research Ethics Committee](#) (in Dutch)

For research not covered by the WMO, the ethical review shall be carried out by the relevant ethics committee: the Ethical Review Committee Inner City faculties (ERCIC), the Ethical Review Committee Psychology and Neuroscience (ERCPN), or the Research Ethics Committee of the Faculty of Health, Medicine and Life Sciences (FHML). Assessment takes place on the basis of assessment criteria and guidelines as laid down in the [Code of Ethics for Research in the Social and Behavioural Sciences Involving Human Subjects](#).

The following UM regulations also apply to scientific integrity and ethics:

- [Code of Conduct for Use of Personal Data in Research](#)
- [UM Code of Conduct on Research Data Management](#)
- [Code for Transparency on Animal Testing](#).

### **3.5 Procurement, tendering and enlistment**

Within various divisions of Maastricht University, employees are responsible for procurement activities of Maastricht University as a legal entity governed by public law. The Maastricht University Procurement Guidelines 2016-2020 (only in Dutch), which can be found on the UM intranet, covers all procurement activities carried out by or at the request of the mandataries authorised by UM for Maastricht University as a legal entity. These guidelines concern the procurement of products (supplies), services and works.

Employees responsible for procurement must at all times remain aware of and strictly comply with the prevailing rules. The reason is that a procurement procedure is highly sensitive when it comes to integrity; after all, we are spending public funds. As a result, procurement has to be done carefully, effectively and independently, in a spirit of honest competition. For this reason, one-on-one contracting is only permitted below a certain amount and any orders above this amount must involve a tendering procedure. Starting from a certain threshold amount, public tendering must take place in accordance with European guidelines. This process provides a context for suppliers to compete with one another on price and quality. The objective is equal opportunities, decisions based on commercial arguments and no squandering of public funds. Another essential element is transparency, which prevents orders from being privately awarded to friends.

Employees in charge of procurement should specifically beware of corruption and bribes, making sure that they avoid actual or perceived favouritism, manipulation or conflicts of interest. They should treat available information with care and avoid making unwarranted commitments or creating expectations when negotiating with potential suppliers. Employees should refrain from interference that might lead to them becoming involved in procurement activities on a personal rather than a professional basis.

Nor should employees take part in any consultation or negotiation where one of their family members, their partner and/or one of their friends constitute or work on behalf of the external negotiating party or parties. In such a situation, they must also report this involvement to their administrative manager.

Employees are not permitted to make private purchases through the employer. It goes without saying that offering, accepting or awarding special favours is not permitted. Special favours are defined as favours that may injure other parties or persons legally or financially. This category includes such practices as giving someone priority in purchases or sales, directly awarding orders

that should have been tendered according to the guidelines and unreservedly promising follow-up orders or replacement orders. Employees who have direct contact with suppliers such as purchasers, contract managers and subject matter experts shall not engage these suppliers for supplies or services for private use without the express permission of the director of the administrative unit.

If employees have any doubts about the procedure or rules and regulations to follow in an individual case, they shall consult with UM's Legal Affairs department.

### **3.6 Financial interests in companies**

It may happen that a Maastricht University employee has financial interests in one or more companies that are not listed on the stock exchange, or that they trade in stocks or are planning to do so. This situation can entail risks, such as conflicts of interest, or prior knowledge and the accompanying potential misuse of price-sensitive information. It is important to remain open and willing to talk about these matters. If these financial interests pertain to the employee themselves (direct financial interests), they can be described as ancillary activities to which the Sectoral regulations on ancillary activities as referred to in Article 3.2 applies. The [Knowledge Rights Regulations](#), which describes among other things how to deal with the 'valorisation' (i.e. commercialisation) of research, also applies.

However, there may also be financial interests of a partner or family member, because these interests indirectly pertain to the employee in question as well. If an employee has such indirect financial interests and they may lead to actual, apparent or potential conflicts of interest, the employee must follow the procedure described above under Articles 3.1–3.2.

*An example: an employee's partner has a consultancy company. The employee is authorised to take decisions or has influence on the procedure with regard to the purchase of such services within UM. If the partner's company competes for a consultancy assignment at UM, there is a situation of conflict of interest (whether apparent or not). In that case, the employee must report to their administrative manager that they have an indirect financial interest in the company concerned, after which the person with decision-making authority can take measures to resolve the situation. One solution in this case would be not to involve the employee any longer in the procedure/assignment concerned, for example.*

## **4. Other standards and rules**

### **4.1 Confidentiality and confidential information**

Maastricht University employees usually have access to a great deal of information, including confidential and privacy-sensitive information.

Under Article 1.16 of the Collective Labour Agreement for Dutch Universities (CAO Nederlandse Universiteiten, CAO NU), every employee is obliged to keep all information derived from their position confidential. This obligation also applies following termination of the employment contract. The obligation to maintain confidentiality does not affect the observance of academic freedom by academic staff as referred to in Section 1.6 of the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW).

This fact not only means that an employee should refrain from disclosing any confidential information, but also that they should prevent unauthorised parties from gaining access to it. To

this end, employees must take care in treating information and data carriers (such as paper documents as well as laptops, tablets, smartphones and USB flash drives), and comply with specific security rules relating to information and otherwise. Employees are expected to be aware of the risks involved, which also means that employees may not share their UM password with others. After all, they could consequently give others access to their email and further information.

Employees are expected to protect the confidentiality of information, to use it only for the purpose for which it was provided, and only to share it in so far as appropriate and under any corresponding agreements.

They should make sure that their data carriers are protected with passwords and access codes. If this fact is technically impossible, the information itself should be protected; for example, by means of encryption.

#### **4.2 Privacy-sensitive data and data breaches**

Everybody has a right to have their private life respected and protected as well as to have their personal data treated with care. The relevant rules are laid down in the Dutch Personal Data Protection Act (*Wet bescherming persoonsgegevens*, Wbp) and in the General Data Processing Regulation (GDPR), which will replace the Wbp as from 25 May 2018. To meet the requirements in the GDPR Maastricht University has adopted a Policy Processing Personal Data (Privacy Policy) Every employee should treat personal data with care and use them only for the purpose for which the data were collected. In principle, personal data may not be supplied to third parties. If an employee is asked by a third party to hand over personal data, they should contact their supervisor. It goes without saying that a supervisor may never force an employee to act in breach of the Wbp and/or the GDPR. In addition, the processing must be recorded internally in the processing register of Maastricht University. The Data Protection Officer supervises compliance with the Wbp/GDPR. As an independent supervisor at Maastricht University, they give solicited and unsolicited advice, and report directly to the Executive Board.

Situations can arise which might involve a data breach as part of a security incident. Security incidents refer to situations such as the loss of a USB flash drive, the loss or theft or the unintentional incorrect submission of written or electronic documents containing privacy-sensitive data, the theft of a laptop or a break-in by a hacker.

Not every security incident involves a data breach. A data breach occurs if the security incident results in personal data being lost, or if unlawful processing of the personal data cannot reasonably be excluded, with the possibility that this fact may have consequences for the privacy of the data subjects.

Maastricht University is legally obliged to report all data breaches within 72 hours to the Dutch Data Protection Authority (Autoriteit Persoonsgegevens) and to document all data breaches internally. In situations that involve or may involve a data breach, the employee should not contact the Data Protection Authority themselves but should instead report the incident immediately to the Data Protection Officer (via +31 43 388 5555 or [servicedesk-icts@maastrichtuniversity.nl](mailto:servicedesk-icts@maastrichtuniversity.nl)).

#### **4.3 Social media**

The rapid expansion in the number of social media, combined with their ease of use and the potential reach of messages, make social media very attractive communication channels. Maastricht University promotes the use of these channels. However, these media can also have

less desirable consequences. In order to prevent any negative consequences, the [Guidelines for the Use of Social Media of Maastricht University](#) have been drawn up. This document contains guidelines and rules that relate to the use of social media by Maastricht University employees.

#### **4.4 Use of university buildings and grounds**

The use of Maastricht University's buildings and grounds is subject to the General House Rules and Disciplinary Measures of Maastricht University (*Algemene huisregels en ordemaatregelen Universiteit Maastricht*), which are yet to be adopted.

These regulations specify that any employee who is either physically in the buildings or on the grounds of the university, or who is making use of the university's facilities, is required immediately and closely to observe, obey and adhere to the rules, guidelines or instructions established by or on behalf of the Executive Board in the context of maintaining public order and guaranteeing a smooth operation within the buildings and on the grounds of the University, as well as the rules relating to the effective and legitimate use of the university's facilities.

Anyone who is located on university premises, in university buildings and/or makes use of university facilities must use them in accordance with their intended purpose, and they must comply with the applicable rules and regulations when doing so as well as with instructions given by or on behalf of the Executive Board. In doing so, the employee must behave in such a way that they:

- (a) do not cause any direct or indirect damage or inconvenience to UM, its employees, students or third parties using the university buildings, grounds or other facilities
- (b) do not infringe any rights of UM, its employees, students or third parties using the buildings or grounds of UM or UM facilities
- (c) do not contravene any statutory provision or any requirement under unwritten law in society.

#### **4.5 Use of resources and facilities**

For the performance of their tasks, employees are given access to university resources and facilities such as a workplace, a computer, office supplies, printers and copiers, an email address and internet access. In some cases, employees are also provided with a laptop, tablet or telephone.

Employees are expected to respect the fact that these resources have been financed with public funds. They are expected to use these resources and facilities for their intended purpose and treat them with proper care. Employees are expected to be careful and considerate in dealing with these resources and facilities as well as to take into account any specific conditions of use and security rules or contractual conditions that apply.

Contemporary employment relationships make it difficult completely to forbid the private use of company resources and facilities. Conversely, employees are likely to make occasional use of their private resources for work purposes. As a result, appropriate private use is permitted. However, misuse such as excessive, immoderate, unnecessary, disruptive or harmful private use is not permitted.

Nonetheless, there will always be a grey area; if in doubt, employees should discuss the matter with their supervisor. There may be specific agreements or instructions for employees in certain processes or working situations, such as the [UM Code of Conduct and Integrity for IT officers](#).

#### **4.6 ICT facilities and internet use**

The [UM Acceptable Use Policy](#) contain rules regarding the use of ICT and internet facilities offered by Maastricht University to its employees, temporary staff, students, visitors and others who have any type of agreement with Maastricht University. These regulations stipulate the responsible use of ICT facilities and the internet, as well as the method of monitoring this use. They contain a balance between the responsible and safe use of ICT and internet on the one hand and the privacy of users on the other.

The regulations also describe the behaviours that will not be tolerated and the sanctions for engaging in these behaviours. Examples include behaviour harmful to the university, its students or its staff, socially unacceptable behaviour and illegal behaviour. This situation entails that the following are not permitted: downloading illegal software, films, music and other media; viewing, downloading or distributing pornographic, racist, discriminatory, abusive, offensive or intimidating (including sexually intimidating) messages, images and/or other media; and sending messages that form an incitement to hatred and/or violence or may do so.

If the ICT facilities made available to the employee are misused, or if other parties engage in illicit conduct with regard to ICT and the internet, the employee should report this fact.

Employees should report any misuse of their own resources to the ICT Servicedesk (by calling +31 43 388 5555 or by sending an email to [servicedesk-icts@maastrichtuniversity.nl](mailto:servicedesk-icts@maastrichtuniversity.nl)) or to the ICT coordinator. The employee should report illicit conduct of colleagues to their supervisor or to the confidential adviser.

#### **4.7 Interpersonal behaviour**

Integrity also refers to how staff members interact with one another and how employees interact with students. The Executive Board pursues a preventive policy aimed at avoiding and combating unacceptable behaviour, in particular sexual harassment, aggression and violence, bullying and discrimination in the work and study environment. Nevertheless, one may be confronted with unacceptable behaviour.

With respect to standards of behaviour, the following regulations apply within Maastricht University:

- [Regulations on Complaints Relating to Unacceptable Behaviour in terms of Harassment, Sexual Harassment, Bullying, Aggression, Violence and Discrimination](#) . These regulations provide for the right to complain in the aforementioned situations and describes the procedure that must be followed in this context

Faculty Complaints Regulations (*Klachtenregeling op facultair niveau*). These regulations provide for the right to complain about the treatment by and/or the working methods of a body or person in circumstances other than those referred to in the Regulations on Complaints Relating to Unacceptable Behaviour

Complaints Regulations for Service Centres and the Maastricht University Office (MUO) (*Klachtenregeling Servicecentra en MUO*). These regulations provide for the right to complain about the treatment by and/or the working manner of a body or person in circumstances other than those referred to in the Regulations on Complaints Relating to Unacceptable Behaviour.

Combined, the above documents are intended to create a framework for a good, safe work and study climate within Maastricht University, such that people behave respectfully towards one another and mutual acceptance as well as mutual trust are held as important values. These documents form part of Maastricht University's policy of providing a safe and non-discriminatory work and study environment.

#### **4.8 Emotional relationships in the workplace**

It is of course always possible for relationships to develop between colleagues or between employees and students. University policy is not aimed at banning them but at preventing complications with regard to the work and the interpersonal relationships. For example, a relationship between employees may lead to a conflict of interest and the unauthorised sharing of confidential information. It may also create the appearance of unfairly obtained benefits. This situation is undesirable and detrimental to all parties. A relationship between employees or between employees and students belongs in the private sphere and may in no way affect the work or educational situation of the employee(s), co-workers and/or student(s) involved.

Staff shall refrain from any involvement in the educational situation, assessment and examination of a student if they are or have been in a relationship with the student in question. A relationship with another employee or student should always be reported by the employee involved to their supervisor. The supervisor shall treat all such reports with the utmost confidentiality. This supervisor can decide whether an interview with an HR adviser and the person involved is necessary. The parties shall discuss the matter with a view to finding any appropriate measures. After consulting with the dean or director, the supervisor will then decide whether to take appropriate measures such as appointing one of the employees to another workplace or position, or ensuring the integrity of the student's educational situation.

In any case, appropriate measures shall be taken if:

- there is a hierarchical relationship between the employees involved
- the employees involved work together directly and structurally
- the employee is directly involved in the educational situation, assessment and/or examination of the other employee (e.g. in the case of doctoral research; for more detailed rules, see the current UM Doctoral Regulations) or student.

Employees who are aware of a sexual offence are obliged to report it to the Executive Board. The Executive Board will immediately report this fact to the police.

### **5. Facilities for promoting integrity**

#### **5.1 Confidential adviser on unacceptable behaviour**

Maastricht University considers it important that employees are able to work in a pleasant and productive working atmosphere. To this end, Maastricht University has appointed a [confidential adviser](#) for its employees. The confidential adviser is the contact point for anyone who is dealing with, or has had to deal with, unacceptable behaviour (including sexual intimidation, aggression and violence, bullying and discrimination) or unequal treatment in their working situation. If an employee is the victim of unacceptable behaviour such as harassment (sexual or otherwise), bullying, aggression, violence or discrimination, they can consult the confidential adviser. The employee can discuss the problem with the confidential adviser in a confidential setting. This confidential adviser treats reports and complaints with strict confidentiality, and only informs third parties with the employee's express permission.

The tasks of the confidential adviser include assisting employees who have been the victim of unacceptable behaviour, providing them with advice and support, and informing employees about the various possibilities for resolving the problem or filing a complaint.

Where it concerns complaints or questions about the employment relationship, an ombudsman can be consulted. The ombudsman's duties can be described as providing independent support to individual employees, groups of employees and/or managers in the analysis and resolution of complaints and grievances concerning personnel matters, where possible referring them adequately to the appropriate bodies within or outside UM, and identifying systematic shortcomings in rules and regulations or organisational matters.

## **5.2 Confidential adviser on scientific integrity**

[The confidential adviser on scientific integrity](#) is the first point of contact for questions or circumstances relating to scientific integrity and suspected violations by current or former Maastricht University employees. This confidential adviser has an obligation of confidentiality and is not a member of the Committee for Scientific Integrity.

The main task of the confidential adviser is to provide advice as well as to indicate the possible routes and procedures to be followed. Together with the complainant, the confidential adviser will assess the nature and gravity of the suspected violations in order to explore possible courses of action.

The petitioner can naturally choose first to discuss the questions or circumstances with their immediate colleagues or the scientific director of the institute. In all cases, it is always possible to file a complaint directly with the Committee for Scientific Integrity if the nature and urgency of the suspected violations so require.

The confidential adviser can be reached by sending an email to [vertrouwenspersoonwi@maastrichtuniversity.nl](mailto:vertrouwenspersoonwi@maastrichtuniversity.nl) or by calling +31 43 388 2350.

## **5.3 Regulations on reporting misconduct (Whistleblowers' regulations)**

Whistleblowing can be described as the external disclosure by an employee (the 'whistleblower') of suspicions of illegal or immoral practices, for which the employer is accountable and which place a substantial public interest at stake, to people who may be able to take action and resolve the situation.

It should be possible to address any abuses safely within the employer's organisation. This situation is not only safer for the employee concerned, but it is also in the interests of the employer's organisation. In particular, the competent authority of the employer's organisation must take timely notice of any suspected misconduct, so the competent authority can take measures and prevent whistleblowing as far as possible.

Employees who are considering the publication of certain information about their employer's organisation (which they consider to be a possible abuse) are confronted with different standards and principles that may be subject to tension. In general, the employee shall owe discretion and loyalty to their employer, and shall refrain from any actions that could harm the employer. However, an employment relationship does not deprive the employee of their constitutionally guaranteed freedom of expression. Nonetheless, the exercise of this right is subject to limits arising from the employment relationship. The [Whistleblowers' regulations](#) provide for a scheme where employees can report incidents safely and with integrity.

## **5.4 Disciplinary Measures for Dereliction of Duty Regulations**

An essential component of any integrity policy is its enforcement. A breach of the rules relating to integrity can result in a dereliction of duty, as is also laid down in Article 6(2) of the Collective Labour Agreement for Dutch Universities (CAO Nederlandse Universiteiten, CAO NU). Depending on

the nature and gravity of the neglect in question, this situation can lead to a variety of sanctions. Before a sanction is imposed, a thorough investigation will always take place. The facts must be established in a proper manner and relevant circumstances must be taken into account. Both sides must be given an opportunity to be heard before a measure is imposed. The [Disciplinary Measures for Dereliction of Duty Regulations](#) describe the disciplinary measures, as well as the procedure to be followed, before deciding to impose a disciplinary measure.

## **6. Entry into force and short title**

The Maastricht University Code of Conduct on Integrity will enter into force on June 26th 2018. Adopted by the Executive Board on June 26th 2018.