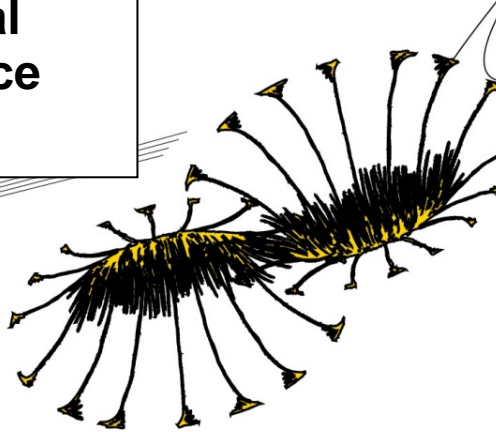


Code of conduct for Personal Relationships in the Workplace



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Introduction

Consideration of others, honesty, respect and integrity form the basis of a socially safe environment and sound professional relationships at the University of Twente. The university sets great store by and relies on the integrity of these relationships. Private relationships will exist or arise alongside professional relationships wherever people meet and work together. The objective of this code of conduct is to inform all staff at the University of Twente of how to deal with any possible overlap between professional and private relationshipsⁱ.

1 Scope

This Code of Conduct for Personal Relationships in the Workplace is intended for all staff, in the widest sense of the word, at the University of Twente. This includes members of staff of the University of Twente but also visiting staff (for example, contract and external doctoral students) and people who are not employed by the university but have an appointment as professor of the Executive Board.

2 Relationships in the workplace

There may be a family or romantic relationship between colleagues or between a member of staff and an external contact (such as a client, contractor or supplier).

Private and professional relationships can, therefore, overlap with one another. In some cases, however, circumstances may arise in which the merging of professional and private relationships can lead to vulnerabilities or, in other words, integrity risks.

Professional relationships can exist between members of staff of the University of Twente, between university staff and staff of external parties with a business relationship with the university and between university staff and students. The objective of the professional relationship has nothing to do with the personal lives of those in question. By a *private relationship*, we mean family and romantic relationships, regardless of whether they are broken, disrupted or intact.

Good collegial relationships are important in the workplace. Productivity, creativity and the working climate benefit from them. They can grow into friendships and there is nothing wrong with that. However, the same applies to friendly relationships as to family and romantic relationships: people must refrain from any conduct that compromises integrity.

3 Integrity risks

The right to privacy and free partner choice is, of course, always respected. However, if the working atmosphere suffers because of it or there is any question of integrity risks, or potential integrity risks, this code of conduct is applicable. Integrity risks can occur in different forms, such as:

- Conflict of interest. Members of staff can have private interests that conflict with the performance of their duties at the university and affect them adversely. A conflict of interest could arise in the event of financial situations, promotion of someone's career, educational programme or professional reputation and access to confidential information or certain facilitiesⁱⁱ.
- Prejudice. This entails a situation in which someone is improperly given less than someone else.
- Preference. This entails a situation in which someone is improperly given more than someone else or granted special favours.
- Abuse of power. This is taken to mean the intentional use of position or powers for the improper prejudicial or preferential treatment of an individual with whom a relationship of trust, power or authority exists.

Apparent conflict of interest, prejudicial or preferential treatment and abuse of power can also arise. The integrity risk is greater if the positions of those involved affect one another in some way. The risk is also greater if there is a relationship of dependence, as is the case in a relationship between a supervisor and a subordinate or a relationship between a member of staff and a student.

4 Standards of conduct

The University of Twente expects every member of staff who participates in the university community to refrain from any conduct that will compromise his or her integrity. Integrity is taken to mean the enforcement of general and professional social and ethical values and standards.

Members of staff must, at all times, act in the spirit of the Code of Conduct for Personal Relationships in the Workplace. They are expected to be able to estimate risks and vulnerabilities and to avoid situations in which an apparent breach of integrity could have a negative effect on them and/or that of the University of Twente.

5 Relationships and notification requirement

We need to remain professional and objective in the workplace. If a relationship could be a problem and form an integrity risk in this respect, it is important to report it. The person notified should be discreet and respectful with regard to your privacyⁱⁱⁱ.

6 Relationships between members of staff and students

The University of Twente is of the opinion that good professional relationships between members of staff and students are vital for the development of the students and stipulates that these relationships must be based on trust. Every professional relationship between a member of staff and a student is, by nature, a relationship of power and dependence^{iv}. In this context, a professional relationship is defined as a relationship in which the member of staff in question has a role in advising, supporting (generally, administratively or technically), assessing or supervising the student or is involved in the decision-making relating to that student. Students are entitled to equality of treatment in equal cases and it is important that a private relationship between a member of staff and a student does not compromise that equality of treatment.

Members of staff (support and management staff [OBP] and academic staff [WP]) may not have a private relationship with a student that can compromise the impartiality or objectivity of the professional relationship between them for the duration of that professional relationship.

If a private relationship exists or arises between a member of staff and a student who have a professional relationship, the member of staff ensures that he or she does not have to assess the educational and research performance of the student in question or take any other kind of decision about him or her.

Notification requirement

A member of staff who has both a professional and a private relationship with a student, will report this relationship to his or her supervisor. If required, the member of staff can request advice from a confidential advisor prior to a possible notification (see the list of confidential advisors: https://www.utwente.nl/nl/hr/arbeidsvoorwaarden/vertrouwenspersoon-klachten-bezwaar/vertrouwenspersoon/vertrouwenspersonen_ut/).

Members of the Executive Board of the University of Twente who have a relationship with a student will report this relationship to the president of the Supervisory Board of the university and to the other members of the Executive Board.

The notification will be treated in the strictest confidence.

7 Relationships between members of staff

It may be the case that members of staff of the University of Twente (in the widest sense of the word) not only have a professional relationship with one another but also a family, friendly or romantic relationship. It is essential that everyone involved continues to act professionally and objectively and is aware of the integrity risks that these private relationships entail.

Situations in which friends, partners or family members work together in a hierarchical relationship, assess or check one another's work or certify or authorize one another to carry out certain activities are undesirable.

8a Relationships between supervisors and subordinates

Private relationships between supervisors and subordinates are undesirable. Because there is a hierarchical relationship, such relationships must be reported. The supervisor in question must report the relationship to his or her supervisor.

Notification requirement

If the situations formulated in 8 and 8a occur, it is vital that any possible integrity risks are explicitly discussed with the supervisor in question. The highest in rank¹ must report the relationship to his or her supervisor who, if necessary, consults with the supervisor of the other individual involved. If required, the member of staff can request advice from a confidential advisor prior to a possible notification (see the list of confidential advisors: https://www.utwente.nl/nl/hr/arbeidsvoorwaarden/vertrouwenspersoon-klachten-bezwaar/vertrouwenspersonen/vertrouwenspersonen_ut/).

Members of the Executive Board of the University of Twente must report any such relationships to the president of the Supervisory Board of the university and to the other members of the Executive Board.

The notification will be treated in the strictest confidence.

8 Relationships between members of staff and external contacts

It may be the case that members of staff of the University of Twente have both a professional and a private relationship with an external contact of the university, such as a client, contractor or supplier. In this context, a professional relationship is defined as a relationship in which the member of staff has an authoritative, evaluating or supervisory role in respect of the external contact.

Situations in which members of staff have both a professional and a private relationship with an external contact are undesirable.

Notification requirement

A member of staff who has both a professional and a private relationship with an external contact must notify his or her supervisor of the relationship. If required, the member of staff can request advice from a confidential advisor prior to a possible notification (see the list of confidential advisors: https://www.utwente.nl/nl/hr/arbeidsvoorwaarden/vertrouwenspersoon-klachten-bezwaar/vertrouwenspersonen/vertrouwenspersonen_ut/).

Members of the Executive Board of the University of Twente must report any such relationships to the president of the Supervisory Board of the university and to the other members of the Executive Board.

The notification will be treated in the strictest confidence.

9 Lack of clarity about the notification requirement and/or integrity risks

If members of staff are in doubt about the notification requirement and/or the possibility of integrity risks, they can request confidential advice from the HR manager of their service department or faculty or a confidential advisor (https://www.utwente.nl/nl/hr/arbeidsvoorwaarden/vertrouwenspersoon-klachten-bezwaar/vertrouwenspersoon/vertrouwenspersonen_ut/). If, on receiving the advice, the members of staff in question are still in doubt, they must report the relationship.

¹ If the two occupy equivalent positions, both will report the relationship to their own supervisor.

10 Dealing with the notification

Staff

A supervisor will, in the presence of an HR manager, discuss the relationship with the member or members of staff in question. The HR manager will ensure that the matter is properly discussed, advise the member or members of staff and supervisor, take notes of the meeting and record the agreements made. The meeting has three objectives:

- 1) to determine whether there are any integrity risks;
- 2) if applicable, to further identify these integrity risks (including determining the tasks and powers involved); and
- 3) to take measures to combat integrity risks.

The HR manager and the supervisor, together with the member of staff, will look at how the situation is to be dealt with. If necessary, working agreements will be made or tasks distributed differently; transfer to another department or unit may also be considered.

11 Executive Board members

The Supervisory Board will discuss the possibility of a conflict of interest and how to remedy the situation without the Executive Board member in question being present.

The Executive Board member will not participate in the discussion or decision-making on a topic or transaction in which he or she has a conflict of interest^v.

12 Measures

Suitable measures will depend on the case in question. The point of departure is to create socially safe circumstances for working and studying and to avoid situations in which an apparent breach of integrity could have a negative effect on the position of a member or members of staff or the University of Twente.

The supervisor decides, in consultation with the member or members of staff, whether his, her or their job and tasks can still reasonably be carried out or not. If not, the starting point is that tasks will be distributed differently. If this is not feasible, transfer to another department or division of the service department can be discussed. External secondment is also a possibility. In the case of combined private and hierarchical relationships, the starting point is that one of the two people in question accepts a transfer, in consultation.

The agreements are laid down in e-mails and members of staff must conform with these agreements. For reasons of privacy, the background to the agreements is not set out in the e-mail confirming the change.

If members of staff do not conform with the agreements, do not cooperate with a reasonable solution or if the notification requirement is not met, sanctions may be imposed.

13 Complaints

A member or members of staff who has/have reported a private relationship but does/do not agree with the way in which the reported private relationship is handled can submit a complaint (see https://www.utwente.nl/nl/hr/arbeidsvoorwaarden/cao_schemes_code_of_conducts/schemes/klachtenregeling.pdf).

A complainant or complainants can ask a confidential advisor for help (for example for support in preparing a complaint) (see <https://www.utwente.nl/nl/hr/arbeidsvoorwaarden/vertrouwenspersoon-klachten-bezwaar/vertrouwenspersoon/>).

14 Evaluation

The Code of Conduct for Personal Relationships in the Workplace will be evaluated after three years in operation. HR managers, supervisors and confidential advisors will be involved in this evaluation and any comments/suggestions/feedback from the broader organization will also be used as input for the evaluation.

ⁱ Integrity is a precious commodity at the academy. This is apparent from national schemes set up by the Association of Universities in the Netherlands (VSNU) and the University of Twente's schemes, such as the Netherlands Code of Conduct for Research Integrity, the Code of Good Governance, the Sectoral Scheme Covering Ancillary Activities and the Code of Conduct (*Gedragscode (on)gewenst gedrag*). In these and other schemes, the atmosphere at work comes first, i.e. what is and what is not allowed in one's position or profession. Contrary to the schemes mentioned, the Code of Conduct for Personal Relationships in the Workplace explicitly acknowledges that it is often difficult to keep personal and working lives separate and that integrity risks can arise as a result. Integrity risks inherent in the blurring of boundaries between personal and working lives can also affect codes and schemes regarding other fields of integrity, such as the Sectoral Scheme Covering Ancillary Activities and the Code of Conduct.

ⁱⁱ Code of Conduct on Integrity, University of Groningen, 2017, and the National Office for Promoting Ethics and Integrity in the Public Sector (BIOS, 2010), Guide to Conflict of Interest (*Handreiking Belangenverstrengeling*) (https://www.integriteitoverheid.nl/fileadmin/BIOS/data/Toolbox/Handreikingen/BIOS_Belangenverstrengeling_handreiking.pdf).

ⁱⁱⁱ See also <https://www.utwente.nl/over-de-website/#beveiliging-van-uw-persoonlijke-gegevens> and <https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/avg-europese-privacywetgeving/rechten-van-betrokkenen>.

^{iv} Case law: ECLI:NL:RBGEL:2013:3064 - Court of Gelderland, 11-09-2013 / 2143314

^v Code of Good Governance for Universities, version 2017 and, in particular, articles 2.3.2 and 2.3.3.