

Conflicting Interests Code (Versie 1)

Note: This is a translation into English (of version 2) of the [official Dutch version](#) of this policy. In the event of a conflict between the English and Dutch texts, the Dutch text of the latest version of this policy shall prevail.

Adopted by the Executive Board

The 'Conflicting Interests Code' is adopted by the Executive Board in February 2012 with effect from 1 March 2012.

1. Introduction

Like any other publicly funded institution, Radboud University Medical Centre is becoming increasingly dependent on external funding. This means that it needs to resort more and more to other sources, such as funds and industry, to finance its core tasks.

It is the task of heads of department, professors and staff to maintain contact with external partners (profit and not-for-profit organizations) to ensure that the UMC can continue to fulfil its tasks to the full extent. These contacts can, however, lead to a conflict of interests.

This Code offers employees guidelines for how to act in situations in which a conflict of interests may occur. The Code is meant to make employees more aware of the risks (e.g. the risks associated with secondary activities).

You can refer to this Code if you want to know what you should do in the case of conflicting interests.

The Code also enables the UMC to better render account to society. The UMC must make it plausible that its tasks are performed in academic freedom and not negatively affected by industrial interests. The Code may help do so.

The starting points in drawing up this Code were:

- The responsibility for correct conduct in the case of conflicting interests lies with the individual employee.
- Formulation of clear standards.
- Little or no additional administrative load.

The Code will also promote equal treatment of employees.

This Code is meant for all employees of the UMC and relates to the whole range of tasks in the fields of research, education and patient care and the support thereof, and for those who may be working for the UMC in any other capacity.

Radboud University has introduced a Knowledge Bank on its website where employees can report their secondary activities. Many employees of the UMC are using it already. But it is essential that all employees do so. All employees are therefore expected to report their relevant secondary activities on

this website: <http://www.ru.nl/onderzoek/kennisbank/>. Please note: acceptance of this information cannot be construed in any way as consent from your employer to engage in these secondary activities.

The Code is legally based on Article 7:611 of the Dutch Civil Code and Articles 9.3 ('Outside activities') and 9.8 ('Confidentiality') of the Collective Agreement for University Medical Centres (Cao umc).

In drawing up the Code, we tried to match as far as possible the contents of other existing codes of conduct such as the Code of Pharmaceutical Practices of the International Federation of Pharmaceutical Manufacturers & Associations.

2. General definition of the notion of Conflicting Interests

A conflict of interests can occur in any situation in which a person serves or represents the interests of two organizations or persons or in which a choice has to be made between two interests that are at odds with each other.

A conflict of interests may lead to situations in which people actually neglect their duty towards a particular organization or person in favour of another organization or person and to situations in which someone abuses their position with a particular organization for personal gain or for the benefit of another organization.

The notion of conflicting interests encompasses a multitude of possible circumstances in which employees may be confronted with multiple conflicting loyalties.

There may, for example, be situations in which employees pursue their own personal interests and thereby neglect their duties towards the UMC. This may particularly be the case if personal financial interests are involved.

Although secondary activities carried out on behalf of the UMC or in line with the tasks of the UMC generally do not lead to a conflict of interests, the possibility cannot entirely be excluded, for example, if someone is a member of an advisory body to a national organization.

3. Standards, values and competencies

The following standards, values and competencies apply to employees of Radboud University Nijmegen Medical Centre:

- In scientific research and the transfer of knowledge, the UMC's integrity must be safeguarded at all times and even the semblance of unreliability, carelessness or bias must be avoided.
- The staff and resources of the UMC must be employed to further the objectives of the UMC and the general interest, and not to pursue personal interests.

- Research and education at the UMC may not be hindered.
- Secondary activities of employees may not obstruct the dissemination of knowledge.
- The professional careers of individual students and employees may not be negatively affected by the secondary activities or financial or other interests of any employee.
- Employees engaged in secondary activities are obliged to observe the confidentiality of all that which comes to their knowledge in their positions, insofar as this obligation ensues from the nature of the case or has been explicitly imposed on them.
- Situations in which a conflict of interest may arise, shall not be kept secret. Secondary activities must be made public, for example through the Knowledge Bank of Radboud University Nijmegen.
- Radboud Values and Radboud Competencies.
- Article 9.3 of the Cao umc, on the basis of which permission for secondary activities is required if the secondary activities may affect the UMC's interests and/or the employee's work performance.

4. What does this Code mean for you?

Employees are obliged to take note of this Code, be aware of the standards and values formulated in Section 3, and behave in accordance with the rules of conduct laid down in this Code.

5. Scope

The standards, values and competencies constitute the guiding principles for professional conduct at the UMC. Compliance with these rules is usually no problem in most professional situations. However, there are also activities in which employees must be extremely careful not to violate these rules. For example:

1. Secondary business activities in the same field as in which the employee is employed by the UMC.
2. Any employment, contract or financial interest of the employee that may constantly or repeatedly be at odds with his/her professional interests or may negatively affect his/her performance, even if this is only the case as a result of spending time elsewhere.
3. Professional secondary activities such as consulting, teaching or acting as an expert witness.
4. Managing, being the owner/co-owner of, being employed by, providing advice to or being otherwise active on a contract basis for an organization that does business with the UMC or is a competitor of the UMC. In this context, involvement through a family member should also be taken into account.
5. Secondary activities in which the facilities, equipment and/or services of the UMC are used on more than just an occasional basis. This is not only the case if you use a laboratory or software of

the UMC, but also if a departmental secretary makes appointments for secondary activities.

6. Secondary activities in which the employee is obliged to relinquish intellectual property or which result in his/her becoming actively involved or acquiring a financial interest in an external business enterprise that supports the employee's work at the UMC.
7. Secondary activities in which a student or employee of the UMC is directly or indirectly supervised by a person who, as an employee of the UMC:
 - a. also supervises that student or employee at the UMC in some way, or
 - b. is involved in the assessment of that student's or employee's performance.
8. Secondary activities that may negatively affect the execution of contracts concluded by the UMC or the compliance with grant or subsidy conditions.

6. Examples from actual practice: What is acceptable?

The [appendix to this Code](#) contains a number of practical examples that may help employees to determine what is acceptable and what is not, and what requires the Executive Board's prior consent.

7. Reporting secondary activities

Transparency is key

Employees need to report all their secondary activities to the head of their department. Clear agreements will be made with the head of the department, also with regard to the income from secondary activities.

When in doubt, report to the Executive Board

Employees who have doubts as to whether an activity is in line with this Code should fill in the [report form](#) and submit this to the Executive Board, and also inform their manager and the head of their department. They must do so before they enter into a situation where there may be a conflict of interests. Any employee who fails to report all or any of their secondary activities shall bear the risks attached to non-disclosure of secondary activities, and particularly the legal consequences thereof.

The Executive Board will assess reported secondary activities at its own discretion and may seek expert advice before deciding whether or not to grant permission for the secondary activity or activities concerned. The Executive Board shall endeavour to render its decisions within 30 days.

To promote equal treatment of employees, the procedure provides, for the time being, for direct involvement of the Executive Board in all cases in which permission is required.

8. Casuistry

Decisions made by the Executive Board on the basis of this Code will be made known within the UMC in such a manner that the identity of the individual applicant cannot be inferred.

The resulting casuistry will contribute to the further development of a sense of values which will help employees to make the right choice of conduct in situations where there is a conflict of interests.

9. Enforcement

The Executive Support Department or the Quality and Safety Assurance Institute (IWKV) will annually be requested to audit a number of departments for compliance with the code.

10. Objection

The employee may object to a decision taken on the basis of this Code on the basis of article 1a.12 of the Cao umc.

Appendices

- [Report Form](#)
- [Do's and Don'ts; practical examples](#) (Appendix to Conflicting Interests Code, CS10.U.1247)