

Integrity code

applied by Hogeschool van
Amsterdam/Amsterdam University of
Applied Sciences (AUAS/HvA)

Preamble

Regardless of their position, employees and members of the AUAS/HvA's various bodies may be confronted with integrity issues while performing their professional duties. In some cases, such a (potential) integrity issue will be immediately obvious. In others, however, a seemingly innocent event may develop into reprehensible behaviour or an actual offence. In addition to issues such as plagiarism, fraud and corruption, this also includes violations of the employee's obligation to observe secrecy¹ or unacceptable conflicts of interest².

This integrity code specifies which forms of behaviour or activities are deemed acceptable or unacceptable, and provides a list of situations that are to be avoided. The code serves to elaborate the AUAS/HvA's definition of good employeeship and applies to both AUAS/HvA employees and – where possible – all relevant bodies and their respective members.

In addition to the aforementioned code, the AUAS/HvA also applies the AUAS/HvA Code of conduct for practice-oriented research³. This code is regarded as a supplement to this general integrity code and relates specifically to research activities.

The code is not voluntary, and non-compliance can result in sanctions. However, application of the latter should be regarded as the consequence of unacceptable behaviour, not the primary objective. The emphasis is on ensuring that employees and the various relevant bodies and their members are aware of potential situations in which integrity could be compromised, and are willing and able to account for their actions at all times.

In practice, actual behaviour tends to deviate from the desired forms of conduct specified in regulations. That also applies to this code. Inevitably, situations will occur in which it is unclear whether certain behaviour is acceptable or not. This can only be resolved by creating an atmosphere in which such situations can be discussed freely and ensuring that employees correct one another, which is exactly what the code strives to achieve. This code is thus no more or less than a guideline for behaviour; ultimately, such behaviour will be assessed on the basis of the definitions of good employership, employeeship and governance in the relevant legislation. Depending on the specific circumstances in each individual case, certain forms of behaviour that have not been described in this code may thus be deemed unacceptable, while other forms of behaviour that are described in this code may not be deemed in violation in view of the specific circumstances.

¹ See volume XII of the Dutch Penal Code, Article 7:611 and 678 paragraph 2 under i of the Dutch Civil Code and articles E-1 and E-2 of the 2007-2010 Collective Labour Agreement for Universities of Professional Education (CAO-HBO).

² See article E-4 of the 2007-2010 Collective Labour Agreement for Universities of Professional Education (CAO-HBO).

³ Adopted by the Executive Board on 5 February 2009.

Article 1 Definitions

For the purpose of this code, the terms below are defined as follows:

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| a. Executive Board | : | The board and the foundation responsible for maintaining the AUAS/HvA. |
| b. AUAS/HvA | : | The Hogeschool van Amsterdam/Amsterdam University of Applied Sciences, established in Amsterdam and maintained by the foundation. |
| c. Ancillary activities | : | <p>Paid or unpaid activities conducted by the employee in addition to his/her activities on behalf of the foundation and/or the AUAS/HvA as a part of:</p> <ul style="list-style-type: none"> • an employment contract; • an internship, agency work or secondment agreement; • a position on an executive or supervisory board; • volunteer work; • duties performed as a self-employed professional; • the commercial operation of his/her own company, regardless of its legal form; • shareholdership. |
| d. Employee: | : | The individual involved in the organisation of the foundation and/or the AUAS/HvA on the basis of an employment, secondment, agency work or internship agreement. |
| e. AUAS/HvA body | : | Supervisory Board, Executive Board, Central Representative Advisory Council and all AUAS/HvA Representative Councils. |
| f. Foundation | : | The Stichting Hogeschool van Amsterdam established in Amsterdam. |

Article 2 Scope of the code

This code applies to the actions and activities of employees involved in the foundation and or the AUAS/HvA or the organisation thereof, on the basis of an employment, secondment, agency work or internship agreement. This code also applies to the actions and activities of the AUAS/HvA 's various bodies and their respective members.

Article 3 Accepting gifts and donations

1. Employees that receive a gift or donation by virtue of their position must report this to their supervisor if the nature of the gift or donation and/or manner in which it was given can be deemed unusual. The term 'unusual' applies to any gifts or donations that are sent to the employee's home address and exceed an amount of approximately €50.
2. Without prejudice to the provisions of the first paragraph, gifts and donations may never be accepted:
 - a. in exchange for a (future) counter-performance;
 - b. during ongoing negotiations or consultations.

Article 4 Excursions, work visits, study trips, conferences and events

1. Excursions, work visits, study trips, conferences and events must be functional and to the benefit of the AUAS/HvA.
2. If, contrary to the provisions of the first paragraph, an event is not entirely to the benefit of the AUAS/HvA, participation will only be allowed if multiple individuals or bodies have been invited and the event is certain to be of a public nature.
3. Invitations for excursions, work visits, study trips, conferences and events will only be accepted if they are reasonable and have been agreed to in advance by the relevant supervisor; such invitations may never be accepted in exchange for a counter-performance. The latter does not apply if the employee is involved in organising the aforementioned activities and/or will be charged with organising a specific programme component.
4. Participation in excursions, work visits, study trips, conferences and events is generally to be avoided during ongoing consultations and negotiations, unless participation is in the interests of the foundation or the AUAS/HvA and does not prejudice the independence of the negotiator or negotiators.
5. The cost of participating in excursions, work visits, study trips, conferences and events will generally be borne by the foundation, with due observance of the relevant regulations.
6. If the employee receives any form of compensation, gifts or donations in return for their participation in an excursion, work visit, study trip, conference or event, the provisions of Article 3 or 9 will apply mutatis mutandis - depending on the concrete circumstances – insofar as possible.

Article 5 Lunches, dinners and receptions

1. All lunches, dinners and receptions must be of a functional nature.
2. Invitations for lunches, dinners and receptions may only be accepted if they are of a reasonable nature; such invitations may never be accepted in exchange for a counter-performance.
3. Invitations to lunches and dinners should preferably only be accepted on the basis of reciprocity.
4. Participation in lunches, dinners and receptions is generally to be avoided during ongoing consultations and negotiations, unless participation is in the interests of the foundation or the AUAS/HvA and does not prejudice the independence of the negotiator or negotiators.

Article 6 Handling sensitive information

1. Information is deemed sensitive if:
 - it falls within the scope of the Data Protection Act (*Wet Bescherming Persoonsgegevens*);
 - it concerns confidential details on the foundation or the AUAS/HvA and/or their respective professional contacts;
 - it concerns functional confidential correspondence between the foundation or the AUAS/HvA employees and/or bodies.
 - it concerns confidential details on AUAS/HvA employees, students and/or course participants.
2. Sensitive information as described in the first paragraph must be handled in a functional and careful manner. Such information may not be made available to third parties unless this is mandated by legal provisions or the Executive Board or – in the case of an issue affecting the Executive Board or its members – the Supervisory Board has granted permission to issue the requested information with due observance of any relevant and applicable privacy regulations.

Article 7 Conflicts of interest and the interests of friends/family members

1. The employee's professional actions must prioritise the interests of the AUAS/HvA, even if these interests do not coincide with his or her own personal interests. In the event of a conflict of interest, a decision may be made not to charge the relevant employee with the activities underlying this conflict of interest.
2. Barring certain specific exceptions, employees will refrain from any actions resulting in personal involvement with deliveries, contracting or services in aid of the foundation or the AUAS/HvA. If an employee does become personally involved in any of the aforementioned activities, this may not jeopardise the interests of the foundation or the AUAS/HvA in any way, and will be subject to the permission of his/her supervisor.
3. As a rule of thumb, employees will not take part in negotiations or consultations involving their friends or family members, and will not allow situations in which they might appear to purposely benefit friends or family members to arise.

Article 8 Use of facilities

1. Foundation property must be handled with care. Employees are prohibited from using any foundation property for functional and private purposes without the express permission of their supervisor.
2. Employees are prohibited from purchasing goods or services through the foundation for solely private purposes.
3. As a rule of thumb, any facilities made available by the foundation or the AUAS/HvA must be exclusively used for professional purposes. The private use of such facilities is generally prohibited, but may be allowed under certain highly specific conditions depending on the concrete circumstances.

Article 9 Ancillary activities

1. Activities as described in article E-4 of the 2007-2010 Collective Labour Agreement for Universities of Professional Education (CAO-HBO) and ancillary activities related to any activities conducted on behalf of the foundation and/or the AUAS/HvA must be reported to the relevant supervisor or - if conducted by a member of the Executive Board – the Supervisory Board. Related ancillary activities as mentioned in the previous sentence include activities by any party with contractual ties to the foundation and its affiliated legal entities other than the contractual agreement between foundation and employee. Ancillary activities will also be deemed related if they are being conducted during negotiations between the foundation and the employee's organisation. The report on the employee's ancillary activities must take into account the stipulations of the applicable collective labour agreement.
2. Ancillary activities as mentioned in the first paragraph are prohibited if they are demonstrably damaging to the foundation or the AUAS/HvA. The damage referred to in the previous sentence may be either material or immaterial.
3. Any ancillary activities in contravention of the stipulations in the second paragraph must be discontinued. If the provisions outlined in the previous sentence are not met, the foundation may decide to end its contractual relationship with the relevant employee. The foundation may also decide to take this latter measure if it becomes clear that an employee has failed to report an ancillary activity that should have been reported and appears to have done so purposely, causing damage to the foundation or the AUAS/HvA.
4. Any compensation received from third parties for ancillary activities performed during working hours must be surrendered to the AUAS/HvA, unless a written exception from this obligation has been granted.
5. All ancillary activities reported by employees will be recorded, and included in the AUAS/HvA's dossier on the relevant employee. Employees that no longer perform the aforementioned ancillary activities may request that the AUAS/HvA deletes the aforementioned registration.

Article 10 Integrity

Employees of the foundation or the AUAS/HvA and the members of its various bodies will be held accountable for the integrity of their behaviour. When confronted with behaviour that contravenes these integrity standards, they must hold the relevant individual accountable or - where possible - initiate the AUAS/HvA's whistleblowing procedure.

Article 11 Criminal offences

If there is any suspicion that an employee and/or members of one of the foundation's bodies has committed a criminal offence while performing his or her professional duties, this must be reported to the Executive Board or – in the case of a member of the Executive Board – the Supervisory Board. The Executive Board or Supervisory Board must then determine whether the reported acts are serious enough to warrant a police report, or the launch of a more detailed investigation.

Article 12 Unforeseen circumstances

Cases that do not fall within the scope of this code and ambiguous situations will be ruled on by the Executive Board or - in the event of a situation involving the Executive Board or any of its members – the Supervisory Board.

Article 13 Official title and effective date

This code can be referenced as the AUAS/HvA Integrity Code, and will enter into force one day after having been adopted by the Executive Board.

*Discussed with the Supervisory Board on 15 December 2010.
Representative Advisory Council recommendation issued on 21 October 2010.
Adopted in the Executive Board meeting of 20 May 2010.*