

**CONFLICT OF INTEREST REGULATION
FOR MEMBERS OF THE AUTHORITIES,
REVIEW PANELS, EXECUTIVE BOARD
AND EMPLOYEES**

**SLOVAK ACCREDITATION AGENCY
FOR HIGHER EDUCATION**

THE CONFLICT OF INTEREST REGULATION

for members of the authorities, review panels, Executive Board and employees of the Slovak Accreditation Agency for Higher Education

Pursuant to § 7, para. 10 letter d) of article 4 of Act No. 269/2018 Coll. on Quality Assurance in Higher Education and Amendments to Act No. 343/2015 Coll. on Public Procurement and Amendments to Certain Acts, the Executive Board of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as the “Executive Board”) approved this Conflict of Interest Regulation for members of the authorities, review panels, Executive Board and employees of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as the “Conflict of Interest Regulation”) on 11 July 2019.

Part I

Introductory provisions

Article 1

Scope of the regulation

1. The Slovak Accreditation Agency for Higher Education (the “Agency”) provides external quality assurance activities in higher education through the impartial and objective work of the members of the Agency’s authorities, review panels and Executive Board, and through the professional performance of their tasks and responsibilities (“Agency’s interest”) by its employees.
2. In order to protect its interests and improve its credibility, the Agency takes measures and creates effective mechanisms to prevent and solve conflicts of interest.
3. The main tool for eliminating the negative impacts of conflicts of interest on the Agency’s performance is the prevention of conflicts of interest of persons involved in reviewing applications or incentives (§ 21 para. 1 of the Act), of members of review panels and of employees processing specific applications or incentives, as well as minimising negative impacts on the authorities’ decision making activities (hereinafter referred to as “the reviewing and decision making activities”).
4. This Regulation regulates:
 - a) the Agency’s measures to prevent conflicts of interest in reviewing and decision making activities;
 - b) procedures for reviewing and handling conflicts of interest;
 - c) the duties of the members of authorities, review panels, the Executive Board and the Agency employees upon the occurrence of a conflict of interest; and
 - d) the recording of conflicts of interest and the measures taken.
5. This Regulation concerns members of the authorities, i.e. members of the Executive Board and/or the Board of Appeal, and the Agency’s full-time employees and part-time employees apart from the members of the authorities.

Article 2

Defining conflicts of interest

1. A member of the authorities, a member of the review panel or an Agency employee is in a conflict of interest if:
 - a) they are in a relationship with a party to the accreditation proceedings¹ and this relationship could have an inappropriate influence on and jeopardize their ability to perform their duties or their tasks and duties related to the external quality assurance of higher education impartially and objectively; or
 - b) they have a vested interest that may influence their ability to perform their duties independently and objectively or that may motivate them to gain unjustified advantages.
2. A situation is considered to represent a conflict of interest if it includes a member of the authorities, a member of the review panel or an Agency employee, and if they:
 - a) have prepared or participated in the preparation of the party's accreditation application or its supporting documentation;
 - b) have been directly involved in the design or delivery of the party's study programme;
 - c) have been directly involved in the preparation or delivery of the party's habilitation or inaugural field of study;
 - d) have been directly involved in the preparation or delivery of the party's internal quality assurance system;
 - e) are close to persons² who have prepared or have participated in the preparation of the party's accreditation application and/or its supporting documentation;
 - f) have been employed by the accreditation proceedings' party (including pre-contract relations) in the last 5 years;
 - g) are members of the accreditation proceedings of the Scientific Board of the concerned high education institution or faculty;
 - h) have commenced or successfully completed habilitation or inauguration proceedings at the higher education institution involved in the accreditation proceeding within the last 5 years;
 - i) are or have been an author/co-author of publications related to the accreditation proceedings within the last 5 years;
 - j) are or have been involved in several projects with the accreditation proceedings party within the last 5 years;
 - k) are or have been students at the high education institution involved in the accreditation proceedings within the last 5 years; or
 - l) are or have been in a scientific rivalry or bear a professional animosity towards any of the persons who prepared or participated in the preparation of the party's application and/or its supporting documentation.

¹ § 21 (2) of the Act

² § 116 of the Civil Code

Part II
Preventing and resolving conflicts of interest

Article 3
**Preventing conflicts of interest in the process
of reviewing and decision making**

1. Members of authorities, review panels and the Agency employees are obliged to do everything they can to avoid conflicts of interest in their reviewing and decision making activities within the scope of their Agency duties (§ 21 – § 33 of the Act).
2. Review panel members must declare that they are free of conflicts of interest in an affidavit prior to the commencement of their work on a given accreditation proceedings application (Annexe 1).
3. Members of authorities and Agency employees are obliged to declare their involvement in a conflict of interest.
4. Concealing a conflict of interest by a member of the authorities, a review panel member or an Agency employee is in breach of this Regulation.
5. The Agency can obtain, verify and evaluate information that could result in or point to a conflict of interest.
6. If, despite the given regulations for preventing conflicts of interest in the process of reviewing and decision making activities, it is not possible to avoid a conflict of interest, the concerned party must always act in the interest of the Agency rather than any other interest.
7. Members of authorities, review panels and Agency employees may not provide direct or indirect consultancy services, expert advice or help in return for a payment or any other counter value to a public higher education institution, a state higher education institution, a private higher education institution or a an applicant for State consent. This restriction is valid up to a year after the termination of a person's position or contract with the Agency.
8. The Agency Office makes a written record of each conflict of interest, including the measures that were taken.

Article 4
**Procedure in the case of a conflict of interest involving
a member of the Executive Board**

1. If a member of the Executive Board is in a conflict of interest, s/he is obliged to declare it without delay and notify:
 - a) the Chair of the Executive Board, if it concerns a member of the Board; or
 - b) the Executive Board, if it concerns the Chair of the Board.
2. The Chair of the Board shall notify the Board of such matters. Consequently, the Board may restrict the scope of such person's activity in a given proceeding or initiative while the Agency's interest in resolving the issue is being considered.

Article 5
**Procedure in the case of a conflict of interest involving
a member of the Board of Appeal**

1. If a member of the Board of Appeal is in a conflict of interest, s/he is obliged to declare it without delay and notify:
 - a) The Chair of the Board of Appeal, if it concerns a member of the Board; or
 - b) The Board of Appeal, if it concerns the Chair of the Board.
2. In the event of a conflict of interest, such member of the Board of Appeal shall be replaced by an elected deputy.

Article 6

Procedure in the case of a conflict of interest involving a member of a review panel

1. If a review panel member is in a conflict of interest, s/he is obliged to declare it without delay and notify:
 - a) the review panel administrator, if they are aware of the conflict prior to their appointment; or
 - b) the chair of the review panel at any stage of the proceeding.

Following the notification of the conflict of interest, such member may only take actions which may not be deferred.
2. The review panel administrator or its chair shall immediately notify the Chair of the Executive Board of a person's conflict of interest.
3. The Chair of the Executive Board shall, with the prior consent of the Executive Board, dismiss and exclude such member of the review panel from their assessment activities at any stage. A written record of this matter shall be made. The Chair of the Executive Board shall, with the prior consent of the Executive Board, appoint a new member of the review panel without delay. In connection with a change in the composition of the review panel, an audit of the part of the given proceeding and procedures of the dismissed member of the review panel shall be conducted.
4. Based on the Agency's own findings or on any other initiative, the Chair of the Executive Board may submit to the Executive Board a proposal to dismiss a member of the review panel. If the Executive Board acknowledges the conflict of interest, the Chair of the Executive Board shall immediately dismiss such member and appoint a new member of the review panel.
5. A review panel member who is aware of reasons for which they should be excluded from an assessment activity, and who fails to immediately notify the proper person of these facts and continues to carry out their activities shall be in breach of this Regulation.

Article 7

Procedure in the case of a conflict of interest involving an Agency employee

1. If an Agency employee is in a conflict of interest, s/he is obliged to immediately notify the Chair of the Executive Board. The Chair of the Executive Board shall then bar such person from performing the given task for the time and extent necessary for which the conflict of interest relates and assign the activity in question to another staff member.

2. Within the scope of their duties, a person who is employed by the Agency or involved in any other work agreement with the Agency and whose role is to provide information and consultancy to potential applicants for a periodic review of the internal system, accreditation of study programmes, accreditation of habilitation and inaugural proceedings or for granting state approval, shall not be considered to be in a conflict of interest.

Article 8

Common and final provisions

1. This Conflict of Interest Regulation shall enter into force upon its approval by the Executive Board.
2. Amendments to this conflict of interest regulation shall be approved by the Executive Board upon the submission of a proposal by the Chair of the Executive Board.