

## **INTERNAL REGULATION No. 3/2025**

### **CONFLICT OF INTEREST REGULATION FOR MEMBERS OF THE AUTHORITIES, MEMBERS OF REVIEW PANELS, EXECUTIVE BOARD AND EMPLOYEES OF THE SLOVAK ACCREDITATION AGENCY FOR HIGHER EDUCATION**

**In Bratislava, 26 June 2025**

# **INTERNAL REGULATION**

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approved at the meeting of the Executive Board on 26 June 2025, pursuant to § 7 par. 10 letter d) point 4 and § 34 par. 3 letter a) of Act No. 269/2018 Coll. on quality assurance in higher education and amending Act No. 343/2015 Coll. on public procurement and amending certain acts, as amended (hereinafter referred to as the "Quality Assurance Act").

### **INTRODUCTORY PROVISIONS**

#### **Article 1**

##### **Scope of the regulation**

1. This internal regulation of the Agency governs:
  - a) measures of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as the "Agency") to prevent conflicts of interest in the assessment, discussion and decision-making on the matter in question;
  - b) the obligations of members of the Agency's collective bodies, members of review panels of the Executive Board (hereinafter referred to as the "review panel") and Agency employees in the event of a conflict of interest;
  - c) procedures for assessing conflicts of interest;
  - d) procedures for excluding employees, members of review panels and members of collective bodies who have a demonstrable conflict of interest or where there are reasonable concerns about their impartiality due to their relationship to the matter or to a party to the proceedings or its representatives.
2. This internal regulation is binding for all members of collective bodies, members of review panels of the Executive Board, and employees of the Slovak Accreditation Agency for Higher Education.
3. For the purposes of this regulation, a member of the Executive Board or a member of the Board of Appeal is considered a member of the collective body of the Agency. An employee is considered a natural person in an employment relationship with the Agency and a natural person performing work for the Agency outside of an employment relationship, with the exception of members of collective bodies.
4. The provisions on the exclusion of employees or members of the administrative body pursuant to § 9 to § 13 of Act No. 71/1967 Coll. on administrative procedure, as amended (hereinafter referred to as the "Administrative Procedure Code"), apply to the Agency's proceedings under the Quality Assurance Act. For the purposes of this regulation, employees of the administrative body pursuant to § 9 to § 12 of the Administrative Procedure Code are understood to mean employees of the Agency. Members of the administrative body's committee conducting proceedings within the meaning of § 13 of the Administrative Procedure Code are understood to mean members of the Executive Board or members of the Board of Appeal.

**PART I**  
**CONFLICT OF INTEREST OF**  
**MEMBERS OF THE AGENCY'S COLLECTIVE BODIES**  
**AND EMPLOYEES OF THE AGENCY**

**Article 2**  
**Definition and prevention of conflict of interest of**  
**members of the Agency's collective bodies and employees of the Agency**

1. For the purposes of this regulation, a person in a conflict of interest (hereinafter referred to as the "person concerned") is a member of the Agency's collective body or an employee of the Agency whose impartiality may be questioned in view of his or her relationship to the matter, to the parties to the proceedings or to their representatives.
2. Any doubts as to impartiality must always be interpreted in favour of the rights and legally protected interests of the party to the proceedings<sup>1</sup>.
3. Persons who have a conflict of interest include those who were directly involved in the preparation of the subject matter of the party's application, who work in the party's quality assurance bodies that discussed, reviewed or approved the subject matter of the application, or who represent the party.
4. Members of the Agency's collective body and employees of the Agency are obliged to take all necessary steps to avoid conflicts of interest when discussing or deciding on matters within the scope of the Agency's competence under the Quality Assurance Act.

**Article 3**  
**Procedure in the event of a conflict of interest of the members of**  
**the Executive Board**

1. A member of the Executive Board who is to participate in the hearing and decision-making on a matter in which he or she is in a conflict of interest pursuant to Article 2 of this regulation is obliged to disclose this fact no later than before the start of the hearing of the relevant case. A member of the Executive Board notifies the Chair of the Executive Board thereof. The Chair of the Executive Board notifies the Executive Board thereof.
2. A party to the proceedings notifies the Agency in writing of any facts indicating that a member of the Executive Board is in a conflict of interest as soon as such facts come to their attention.
3. A member of the Executive Board who has a conflict of interest in a particular matter is excluded from the hearing and decision-making concerning that matter.
4. Whether a member of the Executive Board is excluded from hearing and decision-making on a matter is decided by:
  - a) the Chair of the Executive Board, in the case of a member of the Executive Board;
  - b) the Executive Board, without the participation of the Chair, in the case of the Chair of the Executive Board.

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<sup>1</sup> Judgment of the Supreme Administrative Court of the Slovak Republic dated 9 February 2022, ref. 5Szk/27/2020.

5. The body which has decided, pursuant to paragraph 4 of this Article, on the exclusion or non-exclusion of a member of the Executive Board based on a notification by a party to the proceedings pursuant to paragraph 2 of this Article, issues a written decision on the matter, stating the reasons and instructions.
6. The fact that a member of the Executive Board has been excluded from hearing and decision-making on a matter is recorded in writing in the minutes of the Executive Board meeting, along with a statement of reasons for the exclusion.

**Article 4**  
**Procedure in the event of a conflict of interest of the members of the Board of Appeal**

1. A member of the Board of Appeal who is to participate in the hearing and decision-making on a matter in which he or she is in a conflict of interest pursuant to Article 2 of this regulation is obliged to disclose this fact in writing without delay. A member of the Board of Appeal notifies the Chair of the Board of Appeal thereof. The Chair of the Board of Appeal notifies the Board of Appeal thereof.
2. A party to the proceedings notifies the Agency of any facts indicating that a member of the Board of Appeal is in a conflict of interest as soon as such facts come to their attention.
3. A member of the Board of Appeal who is a conflict of interest in a particular matter is excluded from the hearing and decision-making concerning that matter.
4. Whether a member of the Board of Appeal is excluded from hearing and decision-making on a matter is decided by:
  - a) the Chair of the Board of Appeal, in the case of a member of the Board of Appeal;
  - b) the Board of Appeal without the participation of the Chair, in the case of the Chair of the Board of Appeal.
5. The body which has decided, pursuant to paragraph 4 of this Article, on the exclusion or non-exclusion of a member of the Board of Appeal based on a notification by a party to the proceedings pursuant to paragraph 2 of this Article, issues a written decision on the matter, stating the reasons and instructions.
6. The member of the Board of Appeal who has been recused from the matter at hand will be replaced by an alternate member. The alternate member has the full status of a member of the Board of Appeal.
7. The fact that a member of the Board of Appeal has been excluded from hearing and decision-making on a matter is recorded in writing in the minutes of the Board of Appeal meeting, along with a statement of reasons for the exclusion.

**Article 5**  
**Procedure in the event of a conflict of interest of employees**

1. As soon as an Agency employee becomes aware of facts indicating a conflict of interest under Article 2 of this regulation, he or she reports this fact in writing without delay to his or her immediate supervisor.
2. As soon as a party to the proceedings becomes aware of facts indicating that an employee of the Agency is in a conflict of interest under Article 2 of this regulation, the party notifies the Agency of this fact in writing without delay.

3. The senior manager decides on the exclusion of the employee concerned from handling the matter in question and, at the same time, assigns the matter to another employee, who ensures the proper conduct of further proceedings in this matter.
4. The senior manager who, pursuant to paragraph 3 of this Article, has decided whether to exclude or not to exclude an Agency employee from the proceedings based on a notification from a party to the proceedings pursuant to paragraph 2 of this Article issues a written decision to that effect, stating the reasons and providing instructions.
5. A person in an employment relationship with the Agency or in another similar legal relationship with the Agency, whose job is to provide technical information to potential applicants for periodic review of the internal system, the granting of accreditation of the study programme, the accreditation of the habilitation proceedings and inauguration proceedings or granting of state approval, is not considered a data subject within the scope of the performance of their work tasks at the Agency.

## **II. PART CONFLICT OF INTEREST OF MEMBERS OF THE REVIEW PANELS**

### **Article 6 Definition and prevention of conflict of interest of members of the review panels**

1. Persons nominated for inclusion in the review panel must meet the requirement of impartiality in the performance of the assessment activities. Impartiality means the ability to carry out an assessment objectively, without bias and without personal, professional or other influence which could lead to a breach of trust in the outcome of the proceedings.
2. For the purposes of inclusion in the review panel, an impartial person is defined as a person who does meet any of the following criteria:
  - a) is or has been in an employment relationship with the party to the proceedings in the last 5 years;
  - b) is directly involved in the design and implementation (of procedures and structures) of the party to the proceeding's internal quality assurance system of higher education;
  - c) is directly involved in the design or implementation of the party to the proceeding's study programme in question;
  - d) is involved in the design, management and quality assurance of the party to the proceeding's habilitation and inauguration proceedings in the relevant field;
  - e) prepared or participated in the preparation of a party to the proceeding's application and/or supporting documentation for the proceedings in question;
  - f) is a close person<sup>2</sup> to the person who prepared or participated in the preparation of the party to the proceeding's application and/or supporting documentation for the proceedings in question, or who is the party's representative;
  - g) is a member of the scientific council of a higher education institution that is a party to the proceedings, or of a collective body of its faculty, whose

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<sup>2</sup> For the purposes of this regulation, a close person is understood to be a natural person referred to in the first sentence of § 116 of the Civil Code, namely a direct relative, sibling or a spouse.

- competence, as defined by the statute of the higher education institution, includes activities related to the conduct of habilitation proceedings and/or inauguration proceedings in the field of habilitation proceedings and inauguration proceedings,
- h) has initiated or, within the past 5 years, successfully completed habilitation or inauguration proceedings at a higher education institution that is a party to the proceedings;
  - i) is the author/co-author of the research, artistic and other output of the party to the proceedings, which is to be evaluated in the context of the proceedings in question;
  - j) is or has been in a relationship of scientific rivalry or professional hostility with any person who prepared or participated in the preparation of the party to the proceedings's application and/or the supporting documentation for the proceedings in question;
  - k) is or has been, within the past 5 years, a student of a higher education institution that is a party to the proceedings.
3. Persons nominated for inclusion in the review panels declare that they meet the requirement of impartiality by making a statement no later than upon the conclusion of a contractual relationship or agreement with the Agency to carry out the assessment activities in the relevant matter.

#### **Article 7**

#### **Procedure in the event of a conflict of interest of the members of the review panel**

1. As soon as a member of the review panel becomes aware of facts indicating that he or she does not meet the requirement of impartiality pursuant to Article 6 par. 2 of this regulation, he or she will notify this fact in writing to the Agency employee who coordinates and handles the relevant proceedings in writing, without delay. The review panel is obliged to report this fact at any stage of the assessment of the matter in question.
2. Upon notification by the person concerned, the employee of the Agency will immediately inform the Chair of the Executive Board of this fact.
3. The Chair of the Executive Board will exclude the person concerned from the review panel dealing with the matter in question at any stage of the assessment. The Chair of the Executive Board may, with the approval of the Executive Board, appoint a new member of the review panel. In connection with the change in the composition of the review panel, a review will be carried out of the portion of the proceedings and procedures handled by the excluded member of the review panel.
4. A party to the proceedings may, at any stage of the assessment, submit a written objection to the Agency against a member of the review panel as soon as he or she becomes aware of facts indicating that the member of the review panel does not meet the requirement of impartiality. The Chair of the Executive Board will submit the objection to the Executive Board for review. If, in such case, the Executive Board finds the objection to be justified, the Chair of the Executive Board will exclude such member and, with the consent of the Executive Board, may appoint a new member to the review panel. This does not apply if the objection is handled in accordance with § 8 par. 4 of the Quality Assurance Act.

5. The authority which has decided, pursuant to paragraph 4 of this Article, whether to exclude or not to exclude a member of the review panel based on a notification from a party to the proceedings will issue a written decision on that matter, stating the reasons and providing instructions.

### **III. PART COMMON AND FINAL PROVISIONS**

#### **Article 8 Common and final provisions**

1. Members of the collective body, members of the review panel and employees of the Agency may not provide public higher education institutions, state higher education institutions, private higher education institutions or applicant for state approval, upon request, any direct or indirect advisory, consulting or professional services, with the exception of technical information related to the submission of the application.
2. If a member of the collective body of the Agency, an employee of the Agency or a member of the review panel fails to promptly disclose that he or she is in a conflict of interest or that he or she has become aware of facts indicating a conflict of interest in the course of the proceedings, he or she is in violation of this regulation.
3. A member of the collective body of the Agency, a member of the review panel and an employee of the Agency may not perform any acts in the matter and may not participate in the assessment, discussion and decision-making of the matter from which he or she has been excluded.
4. Until a decision on exclusion is made, the person concerned may only perform acts which cannot be postponed.
5. No separate appeal may be filed against a decision to exclude or not to exclude a member of the Agency's collective body, a member of the review panel or an employee of the Agency from the assessment, discussion and decision-making process.
6. Internal Regulation 5/2019, as amended on 16 February 2023, is hereby repealed.
7. This Internal Regulation will enter into force on the date of its approval by the Executive Board and will take effect on 7 July 2025.

In Bratislava, 26 June 2025

**prof. Ing. Robert Redhammer, PhD.**  
Chairman of the Executive Board