Measures for prevention, identification and elimination of conflicts of interest and incidents of corruption

Based on clause 15 (2) 15) and (16) of the Statutes of the University of Tartu, clause 9 (4) 6) of the Public Procurement Act, and clause 11 of the Procurement Rules approved by the rector’s decree no. 4 of 1 March 2018, and pursuant to subsection 3 (3) of the Anti-corruption Act, I hereby establish the measures for prevention, identification and elimination of conflict of interest and incidents of corruption (‘measures’) in the economic and other activities of the University of Tartu (‘university’), including in public procurement.

I. General provisions

1. The measures have been established to ensure that the decisions and transactions made on behalf of the university are lawful, and to support university employees in making informed and honest choices, and understanding, timely recognition and avoidance of conflicts of interest and relationships involving a risk of corruption.

2. For the purposes of these measures, a conflict of interest is a discrepancy between the university employee’s duties and personal interests, where the personal interests may influence the performance of duties. For the purposes of these measures, corruption is the use of benefits resulting from the office or duties of a university employee for personal gain.

3. To comply with the goal specified in clause 1, each employee of the university:
   3.1. is loyal to the university and performs duties, keeping the university’s interests in mind;
   3.2. avoids making decisions and transactions or performing acts, in which the employee or a connected person as defined in the Anti-corruption Act (‘connected person’) has personal interests;
   3.3. does not use the university’s resources for personal purposes and refrains from the use of power for personal benefit;
   3.4. will not accept gifts or other benefits if this could raise doubts as to whether the employee performs duties independently from personal interests;
   3.5. while performing duties, observes the requirements of the Anti-corruption Act, tax laws and other legislation and university regulations.

4. The objective of the measures is not to reduce the university employees’ interest in being entrepreneurial or being engaged in entrepreneurship. Vice rector for development organises the counselling of university employees on how to avoid conflicts of interest in entrepreneurship activities.

II. Procedural restrictions

5. University employees are prohibited from performing transactions in the name of the university with themselves or with connected persons, and from delegating the making of such transactions to other university employees or external persons. Such a prohibition applies to any transaction made in the name of the university, including to the use of a financial account.

6. University employees are prohibited from receiving goods or services in the name of the university from themselves or persons connected with them, and from delivering goods or services to themselves or persons connected with them.
7. If a university employee cannot, due to a conflict of interest, make a decision or perform an act that is the employee’s duty, the obligation to perform the duty will pass to the employee’s immediate supervisor, who estimates the circumstances and makes the decision or performs the act, keeping the university’s interests in mind. If also the employee’s immediate supervisor has a conflict of interest in making this decision or performing the act, the obligation to make the decision or perform the act will pass to the supervisor’s immediate supervisor.

8. The rector, vice rector, area director, dean and head of structural unit have the right, if justified, to demand a written declaration from a university employee working in their area of responsibility, of the absence of personal interests in a decision or act and the absence of conflict of interest when making the decision or performing the act. Such statements are stored in the university’s document management system together with other documents related to making the decision or performing the act.

9. Connected persons may work in subordination to each other, but a university employee has no right to participate in making proposals on the terms and conditions of the employment contract of a connected person, or to negotiate or agree upon such terms and conditions with the connected person.

10. When making a decision as member of a decision-making body of the university if the decision concerns themselves or a connected person, university employees and other members of the decision-making body observe the Regulations for Secret Votes adopted by the senate.

11. If a university employee has been appointed a member of the committee which has to make a decision or present an opinion concerning the interests of the employee or a connected person, the employee must withdraw from the committee or working group.

12. If a student who is a person connected to a teaching staff member is taking a course, the teaching staff member has a right to withdraw from the assessment of that student’s exam or pass-fail evaluation. In this case the vice dean for academic affairs will form a three-member committee for assessing the exam or pass-fail evaluation of that student.

13. University employees are prohibited from providing or being involved in providing an expert opinion on themselves or their connected persons. If asked to provide such expert opinion, the employees must inform their immediate supervisor of the conflict of interest. For the purposes of this clause, connected persons are, in addition to connected persons defined in the Anti-corruption Act, also persons who have published or submitted for publication joint papers, who participate or have participated in a joint research project, or who are or have been in a supervisor-supervisee relationship.

14. University employees have the right to accept gifts and other benefits only in case they are convinced that no duties-related favours or gifts are expected from them in return and that the gift or benefit can be regarded as an act of common courtesy. In case of suspicion, the employee involves the immediate supervisor in the evaluation of the circumstances.

III. Avoidance of conflicts of interest in public procurement

15. In public procurement, a conflict of interest means a situation where a university employee or another person acting on behalf of the university, who is involved in the preparation or carrying out of the public procurement or who may otherwise influence the outcome of the public procurement, has direct or indirect financial, economic or other personal interests that might be perceived to compromise their impartiality and independence.

16. When submitting the application to initiate public procurement, the person who initiates the public procurement, members of the committee, holder of financial account and person responsible for the technical specifications supply a written declaration of the absence of apparent or actual conflict of interest or, in the case of emergence of such conflict, of withdrawing themselves, a declaration of absence of personal interests related to the
procurement, with a confirmation that all through the procurement procedure, including in the course of reviewing tenders and making decisions, they will ensure that there are no conflicts of interest. The person who makes the procurement contract and the person responsible for the performance of the contract must provide such a declaration before making the procurement contract. The director of administration will organise the gathering and storage of the aforementioned declarations and petitions for withdrawal.

IV. Procedures in the university

17. If a university employee has a conflict of interest, the employee will give notice of such conflict before starting to perform a duty, or if the employee has already started to perform the duty, immediately after finding out about the conflict of interest, to the immediate supervisor who is required to reorganise work so as to eliminate the conflict of interest for the employee.

18. If a university employee has information or suspicion that another employee of the same structural unit has a conflict of interest or has committed an act of corruption or has otherwise damaged the interests of the university, the employee must notify the head of structural unit. The head of structural unit must ascertain the circumstances of the case and take measures to protect the interests of the university. If the information concerns an employee of another structural unit or the employee suspects that the head of structural unit is involved, the employee must notify the legal counsel, who will ascertain the circumstances of the case and, if necessary, inform the rector. If the information or suspicion concerns the rector, the legal counsel will notify the council of the university.

19. University employees can make suggestions to the legal counsel for better organisation of work to ensure fair and transparent administration and work environment, compliance with the Anti-corruption Act and management of risks of corruption.

20. The director of administration ensures that information on cases in which the university does not apply the procedural restrictions provided in the Anti-corruption Act on the grounds stipulated in the Act is published on the university website.

21. If based on information received, the legal counsel has a justified suspicion that a university employee has committed an offence as defined in the Penal Code, the legal counsel will arrange the submission of a report of criminal offence or notify a body that conducts extra-judicial proceedings.

22. The director of administration compiles guidelines that help the university employees to become aware of and avoid conflicts of interest and corruption risks in their employment relationship, publishes the guidelines on the intranet, and keeps them updated.