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Regulations on the Duty to Recuse in Professorial Appointment Procedures at the Faculty of Medicine of the University of Zurich

(13th of May 2021)

The Faculty Assembly of the Faculty of Medicine resolves:

A. Scope of Regulations and Purpose

§ 1. ¹The regulations apply to all structural and appointment committees when filling professorships at the Faculty of Medicine of the University of Zurich.

²The regulations specify the duty to recuse resulting from § 5a of the *Verwaltungsrechtspflegegesetz (VRG)* of 24 May 1959ⁱ and are intended to promote quality, equal opportunities and transparency in appointment procedures.

³The competent governing bodies of the Faculties are obliged to examine the question of recusal in the individual case on the basis of § 5a VRG and in application of the existing provisions.

B. Grounds for Recusal

§ 2. ¹The prerequisites for the assumption of a conflict of interest and thus a duty to recuse for a member of a structural and appointment committee are given if circumstances exist which, when viewed objectively, are likely to give rise to the appearance of a conflict of interest. These circumstances may lie in the person of the committee member or be based on external reasons.

²Persons who are candidates in an appointment procedure at the Faculty of Medicine of the University of Zurich are excluded from serving on appointment committees of the Faculty of Medicine of the University of Zurich.

³Within the meaning of these regulations, candidates are all persons who have expressed their interest in the professorship to be filled by submitting application documents such as a curriculum vitae, including such persons who have been approached directly.

§ 3. ¹Committee members shall recuse themselves if they

- a. are related to a candidate by birth or marriage up to the third degree in the direct line or in the collateral line;
- b. are or were related to a candidate by marriage, betrothal, registered partnership,

cohabitation or adoption.

²There is also a duty to recuse if

- a. there is a representation arrangement between a committee member and a candidate;
- b. there is a close friendship or personal conflict between a committee member and a candidate;
- c. a working or supervisory relationship exists between a committee member and a candidate or has existed within the last six years;
- d. a candidate has participated in the recruitment procedure of a committee member;
- e. a committee member is jointly involved in scientific projects or publications with a candidate or has been involved within the last three years;
- f. a committee member pursues joint economic interests with a candidate.

³Furthermore, a duty to recuse shall be discussed and decided by the commission if

- a. they have publicly expressed opinions about persons taking part in the professorial appointment procedure in such a way that they appear to have personal bias;
- b. there is a scientific or commercial competitive relationship between a committee member and a candidate;
- c. a committee member is acting or has acted within the last twelve months as a reviewer for the benefit of a candidate or his/her employer.

C. Procedure

- § 4. Committee members shall disclose a possible reason for recusal on their own initiative. The President of the Committee shall ensure that the question of the duty to recuse is included in the agenda.
- § 5. The structural or appointment committee shall decide on the duty to recuse in the absence of the member concerned. Members whose duty to recuse is to be decided shall not participate in the discussions and decisions and are required to leave the room.
- § 6. As long as the duty to recuse exists, the members subject to recusal shall not participate in the discussions and decisions. The structural or appointment committee shall decide whether an application for a change in the composition of the committee is to be submitted to the Faculty Board.
- § 7. The decision on the duty to recuse, its grounds therefore and the recusal of the committee members shall be recorded in the minutes.
- § 8. If, during the professorial appointment procedure, existing grounds for recusal cease to apply or new grounds for recusal arise, e.g. due to a change in the list of candidates, the

members of the professorial appointment committee are required to advise the President accordingly. The committee shall decide on the duty to recuse in accordance with §§ 4 and 5 of these regulations. If the duty to recuse is affirmed, §§ 6 and 7 of these regulations apply. If the duty to recuse is lifted, the relevant members recommence participation in the discussions and decisions of the committee. The decisions are to be recorded in the minutes.

D. Consequences of the infringement of the duty to recuse

§ 9. Sections of the proceedings in which committee members with a duty to recuse have participated are invalid and must be repeated with the exclusion of the members with a duty to recuse.

E. Applicability

§10. These provisions also apply *mutatis mutandis* to reviewers in this appointment procedure.

F. Final provision

§ 11. These regulations shall come into effect upon approval by the Extended Executive Board of the University on July 13, 2021.

¹ LS 175.2.