

This is a translation of the original document in German. It is provided for information purposes only and has no legal bearing.

Guideline on the Duty to Recuse in Professorial Appointment and Promotion Procedures at the Faculty of Medicine of the University of Zurich

(07th of February 2024)

The Faculty Assembly of the Faculty of Medicine

based on § 6 para. 4 lit. i of the Organizational Regulations of the Faculty of Medicine of 10 February 2021 ¹

resolves:

A. General Provisions

Scope of application

§ 1. ¹ This guideline regulates the duty to recuse for members of the committees of the Faculty of Medicine (MeF), in particular the structural and appointment committees, which are established in the context of appointment, promotion and extension procedures of professors of the MeF (hereinafter referred to as "committee" or "commissions").

² It applies to all other persons involved in a procedure pursuant to para. 1, in particular the external experts.

³ The persons pursuant to para. 1 and para. 2 are referred to in these regulations as involved persons.

⁴ Grounds for recusal can only be asserted against involved persons who are known by name.

⁵ For clinical chairs with a leading position at the University Hospital Zurich (USZ), § 18 para. 2 of the VüFL and the agreement between the UZH and the USZ dated August 24, 2023 must be observed. Supervisor relationships with applicants are permitted within this framework.

Applicants

§ 2. Applicants in accordance with these regulations are all persons who have expressed their interest in the professorship to be filled and have submitted their application documents, such as a CV, including those persons who have been approached directly.

General ground for recusal (personal conflict of interest)

§ 3. ¹ A duty to recuse oneself generally applies if circumstances exist that could give rise to the appearance of a conflict of interest and the risk of prejudice.

¹ LS 415.431

This is a translation of the original document in German. It is provided for information purposes only and has no legal bearing.

² The decisive factor for the existence of grounds for recusal is not whether a person feels biased, but whether there is the appearance of bias for objective reasons and from an external perspective.

Responsibility

§ 4. ¹ The chairpersons and their deputies are responsible for complying with the provisions on recusal in accordance with these regulations.

² They ensure that all members of the committees involved in the appointment and other procedures pursuant to § 1 para. 1 as well as the external experts are informed of the provisions on recusal at an early stage.

B. Special grounds for recusal

Incompatibilities

§ 5. Incompatible with the activity in a commission pursuant to § 1 para. 1 are:

- a. candidacy in another appointment procedure at the University of Zurich (UZH), or
- b. membership of the same committee of which the direct superior is a member. This does not apply to members who sit on the committee *ex officio*.

Personal or professional relationship

§ 6. The persons involved have an unrestricted duty to recuse themselves if

- a. they are directly or indirectly related to a party up to the third degree by blood,
- b. they are or were related to an applicant or among themselves by marriage, engagement, registered partnership, *de facto* cohabitation or adoption of a child,
- c. they have a close private friendship with an applicant or among themselves or there are serious personal conflicts,
- d. a relationship of professional dependency exists with an applicant or between them or has existed within the last five years.

Other personal or professional interests

§ 7. ¹ As a rule, the persons involved are required to abstain if they

- a. have been in a supervisory relationship with an applicant or have had such a relationship within the last five years,
- b. were appointed with the participation of an applicant,
- c. pursue common economic interests with an applicant,

² Vgl. statt vieler BGE 136 I 207, E.3.2., BGE 137 II 431, E.5.2, m. H.

This is a translation of the original document in German. It is provided for information purposes only and has no legal bearing.

- d. have made public statements about an applicant in such a way that he or she may no longer appear to be unbiased,
- e. have worked closely together with an applicant, whereby the following criteria must be examined:
 - 1. number of joint publications,
 - 2. number of authors per publication
 - 3. type of publication.
- f. work together with an applicant on scientific projects or have done so within the last three years,
- g. are, or will be in the foreseeable future, in a competitive, clinical or commercial relationship with an applicant.

C. Procedure

Obligation to report and enforcement

§ 8. ¹ The involved persons shall voluntarily notify the chairperson of the committee of any relationships and potential conflicts of interest that give rise or may give rise to a duty to recuse within the meaning of §§ 5-7.

² The chairperson of the committee shall report his or her own reasons for recusal to his or her deputy.

³ The notification must be made immediately after becoming aware of the relevant circumstances.

⁴ If a candidate requests the recusal of an involved person, he or she must notify the chairperson of the committee immediately after becoming aware of a possible ground for recusal. If the recusal concerns the chairperson of the committee, the dean must be notified.

Decision

§ 9. ¹ The committee is responsible for deciding on the recusal of involved persons. It decides in the physical or virtual absence of the persons concerned.

² Before a decision is made, the opinion of the person concerned is obtained, unless the person has submitted a declaration of recusal themselves.

³ The applicant is informed of the decision in the form of a reasoned ruling if he or she is a party and the recusal is disputed. In other cases, the reasoned decisions are recorded in the minutes.

This is a translation of the original document in German. It is provided for information purposes only and has no legal bearing.

Special Provisions

§ 10. ¹ If there are grounds for recusal between committee members, as many members resign until there are no more grounds for recusal among them.

² The committee decides in accordance with § 9.

Consequences of the infringement of the duty to recuse

§ 11. ¹ If a member of the committee is found to have a conflict of interest, he or she has to leave the committee.

² The re-entry of a committee member previously having a conflict of interest is possible from the time after the candidate who gave rise to a duty to recuse is not invited to the symposium meeting.

³ If the candidate who gave rise to a duty to recuse is invited to the symposium meeting, the substitute member shall continue the work of the committee.

⁴ Reviewers who are subject to recusal are replaced.