



**THE RECTOR OF VILNIUS
UNIVERSITY**

**ORDER
ON THE APPROVAL OF THE DESCRIPTION OF THE PROCEDURE FOR THE
ADJUSTMENT AND CONTROL OF PUBLIC AND PRIVATE INTERESTS AT
VILNIUS UNIVERSITY AND THE LIST OF POSITIONS FOR WHICH HOLDERS
OF POSITIONS ARE OBLIGED TO DECLARE PRIVATE INTERESTS**

13 November 2017 No. R-495 Vilnius

Pursuant to the provisions of the Republic of Lithuania Law on the Adjustment of Public and Private Interests in the Public Service, Articles 43(1)(19) and (42) of the Statute of Vilnius University, the implementation of the target project No. 4.2 “Trust in Leaders” of the strategic direction “Open and Responsible Community” of the Strategic Plan of Vilnius University 2015-2017, approved by Resolution of the Council of Vilnius University No. T-2016-2-4 of 3 February 2016 “On the Approval of the Strategic Plan of Vilnius University 2015-2017”, and to ensure the proper functioning of the system for the prevention of conflicts of public and private interests at Vilnius University:

1. I hereby approve the following:
 - 1.1. The Description of the Procedure for the Adjustment and Control of Public and Private Interests at Vilnius University (hereinafter the ‘Description’);
 - 1.2. The List of Positions for which Holders of Positions are Obligated to Declare Private Interests (hereinafter the ‘List’).

Amendments to Item:

Order of the Rector of Vilnius University No. R-39 of 24 January 2020.

2. I hereby delegate the head of Human Resources Division of the Central Administration of Vilnius University:
 - 2.1. To ensure the publication of this order on the intranet of Vilnius University;
 - 2.2. To ensure that the persons holding a position provided on the List are acquainted with this Order in the document management system.

Rector Prof. Artūras Žukauskas

Prepared by
Lawyer of the Legislative Division
Vilma Raslanaitė

APPROVED
by Order No. R-495 of 13 November 2017
of the Rector of Vilnius University

THE DESCRIPTION OF THE PROCEDURE FOR THE ADJUSTMENT AND CONTROL OF PUBLIC AND PRIVATE INTERESTS AT VILNIUS UNIVERSITY

CHAPTER I GENERAL PROVISIONS

1. The Description of the Procedure for the Adjustment and Control of Public and Private Interests at Vilnius University (hereinafter the 'Description') establishes the procedure for the adjustment of public and private interests at Vilnius University (hereinafter the 'University').

2. The provisions of the Description shall apply to members of the University community and other persons (hereinafter the 'members of the University community') holding and applying for positions specified on the List of Positions for which Holders of Positions are Obligated to Declare Private Interests (hereinafter the 'List'), and to the persons recruiting or appointing such persons to such positions, to their direct supervisors, to the Central Electoral Commission of the University (hereinafter the 'Central Electoral Commission'), and to the heads of the collegial governing bodies of the University.

Amendments to Item:

Order of the Rector of Vilnius University No. R-39 of 24 January 2020.

3. The members of the University community shall be guided in their activities by the Law on the Adjustment of Public and Private Interests in the Public Service (hereinafter the 'Law'), the Rules on the Completion, Specification and Submission of Declarations of Conflicts of Interest approved by Resolution of the Chief Official Ethics Commission No. KS-84 of 5 July 2012 "On the Approval of the Rules on the Completion, Specification and Submission of Declarations of Conflicts of Interest, and the Form of Declaration of Private Interests ID001" (hereinafter the 'Rules'), Resolution of the Chief Official Ethics Commission No. KS-291 of 13 November 2019 "On the Implementation of the Recommendations on the Monitoring of Compliance with the Provisions of the Republic of Lithuania Law on the Adjustment of Public and Private Interests in the Civil Service", other legal acts, and the Description.

Amendments to Item:

Decree of the Rector of Vilnius University No. R-39 of 24 January 2020.

4. The terms used in the Description shall be consistent with those defined in the Law and the Rules.

II CHAPTER OBLIGATIONS OF A MEMBER OF THE UNIVERSITY COMMUNITY TO AVOID CONFLICTS OF INTEREST AND TO WITHDRAW

5. A member of the University community must avoid activities that would create a conflict of interest. A member of the University community shall be prohibited from performing a function, carrying out an assignment, making a decision and/or participating in a decision which involves their own private interests or those of persons close to them, if this would give rise to a conflict of interests. A member of the University community shall be prohibited from participating in all stages of the drafting, discussion and adoption of any decision or document, however they may be defined (auditing, inspection, analysis of the matter, proposal, decision-making, participation in a collegial body when adopting a decision, participation in a consultation, informal consultation, presentation on an issue, etc.) and from influencing in any way the adoption of a decision related to the private interest of a member of the University community and/or a person close to the member of the University community, if this would result in a conflict of interests.

6. A member of the University community may not:

6.1. represent the University in its dealings with natural or legal persons from whom they or

persons close to them derive income of any kind, and in its dealings with enterprises of all kinds in which they or persons close to them hold more than ten percent of the share capital or of shares;

6.2. represent and defend the interests of private groups or individuals within the University, except where a member of the University community is acting as a legal representative. The handling, investigation and consideration of complaints and allegations shall not constitute representation of private groups or individuals;

6.3. use their position, rights and/or aim to influence, directly or indirectly, the decision of others on behalf of the University in a way that would give rise to a conflict of interest;

6.4. use and make available, for their own private interests or those of persons close to them, information which they have acquired in the course of their duties at the University, or which has come to their knowledge by virtue of their duties at the University, not in accordance with the procedures, and to a greater extent than those laid down by law or other legal acts;

6.5. accept or provide gifts and/or services where this may create a conflict of interest. The restriction shall not apply to members of the University community who have received gifts or services in accordance with international protocol or tradition normally associated with the duties of a member of the University community, as well as gifts for representation (e.g. symbols of the State, the institution, and other emblems, calendars, books, as well as other printed materials of an informative nature), the value of which does not exceed the limit set out in the Law.

7. A member of the University community must abstain from all duties, decision-making or participation in decision-making that may give rise to a conflict of interest, in particular the following:

7.1. when decisions are being prepared, considered or made that directly benefit a member of the University community and/or persons close to them;

7.2. when the decisions concern persons from whom a member of the University community and/or persons close to them derive, or are likely to derive any benefit whatsoever, or to whom they and/or persons close to them are bound by contractual or other obligations of any kind, or by any legal relationship of any kind likely to give rise to a conflict of interests;

7.3. when preparing, considering or making decisions on legal persons to which a member of the University community and/or persons close to them are related by shareholding, membership, office or other relationship.

8. A member of the University community must immediately:

8.1. inform the persons jointly involved in the procedure for the preparation, consideration, adoption or execution of the decision or other assignment of the conflict of interest, their direct supervisor or the head of the collegial governing body of the University of the conflict of interest, prior to the commencement of the procedure for the preparation, consideration, adoption or execution of the decision or other assignment, or in the course of the procedure itself, if they become aware of the conflict during such procedure;

8.2. withdraw from all stages of the preparation, consideration or adoption of any matter or decision which may give rise to a conflict of interest, however they may be defined;

8.3. ensure that, in the case of collegial considerations, the fact of withdrawal is duly documented in a document recording the considerations (minutes of the meeting or other document indicating who withdrew themselves and for what reason, etc.);

8.4. submit a written notice of withdrawal to their direct supervisor or to the head of the collegial governing body of the University, explaining the conflict of interest, and not participate in any way in the further preparation, consideration or adoption of the decision, or to abstain from the implementation of such decision. The written notice of withdrawal of a member of the University community shall be forwarded to the Human Resources Division of the Central Administration of the University (hereinafter the 'Human Resources Division').

9. In the event of a conflict of interest, if a member of the University community does not withdraw themselves, they may be excluded from participation in decision-making and other functions by a reasoned written decision of their direct supervisor or the head of the collegial governing body of the University, after assessing the information provided to them concerning the conflict of interest.

10. The direct supervisors of members of the University community or the heads of the collegial governing bodies of the University shall:

10.1. get acquainted with the Declarations of Private Interests (hereinafter the 'Declarations') of members of the University community who are subordinate to them or who are members of the collegial governing body of the University;

10.2. at the request of members of the University community, or in the light of other circumstances that may arise that may give rise to a conflict of interest, take steps to implement the provisions of the Law and to avoid conflicts of interest;

10.3. not assign tasks to subordinate members of the University community that may give rise to a conflict of interest;

10.4. ensure that a withdrawn member of the University community is not involved in the preparation, consideration or adoption of decisions that give rise to a conflict of interest.

III CHAPTER HUMAN RESOURCES DIVISION OF THE CENTRAL ADMINISTRATION OF THE UNIVERSITY

11. The Human Resources Division shall be responsible for the monitoring and proper functioning of the process of declaration of private interests, and for the implementation of the principles of objectivity and impartiality in the University's decision-making process.

12. The Human Resources Division shall:

12.1. oversee that members of the University community who are required to submit Declarations have submitted them in accordance with the provisions of the Law and other legal acts;

12.2. verify, analyse and monitor the Declarations of the members of the University community, and in case of detection of a potential conflict of public and private interests, immediately inform in writing the member of the University community who has submitted the Declaration and their direct supervisor or the head of the collegial governing body of the University;

12.3. regularly inform the employees of the University about the obligation to declare private interests;

12.4. assess the Declarations submitted by persons applying for the positions indicated on the List and submit them to the persons recruiting them, and in the case of candidates to the collegial governing bodies of the University, shall provide to the Central Electoral Commission the conclusions on the compatibility of their private interests and their duties to the University;

12.5. upon discovering that a member of the University community is not complying or is improperly complying with the requirements of the Law or this Description, shall immediately warn the member of the University community and inform their direct supervisor or the head of the collegial governing body of the University thereof; if the member of the University community fails to take appropriate action to remedy the deficiencies within a reasonable period of time, inform in writing their direct supervisor or the head of the collegial governing body of the University, who shall submit a reasoned proposal to the Rector on the initiation of an investigation into the possible non-compliance with, or inadequate compliance with, the Law or the Statute by the member of the University community;

12.6. where necessary, allow the person who has recruited the member of the University community, their direct supervisor or the head of the collegial governing body of the University to have access to the data of the Declaration of the member of the University community;

12.7. if needed, provide the management of the University with summary information on the Declarations submitted;

12.8. ensure that the system of the University for the prevention of conflicts of public and private interest functions properly;

12.9. supervise the implementation at the University of the provisions of the Law, the Rules, the Description, and the decisions, recommendations and resolutions of the Chief Official Ethics Commission relating to the coordination of public and private interests;

12.10. draft legal acts regulating the adjustment of public and private interests at the University and other related documents, and submit proposals to the management of the University for the improvement of such documents;

12.11. provide advice to members of the University community on the adjustment of public and private interests, on the implementation of the provisions of the Law, and on matters relating to

the submission of Declarations;

12.12. on the instructions of the Rector, on the basis of the Declarations of the members of the University community and other data, prepare preliminary recommendations to the members of the University community on cases when they should abstain from the drafting, consideration, or adoption of decisions, or from the performance of other official duties that may give rise to a conflict of interests;

12.13. organise training courses on the adjustment of public and private interests at the University and initiate other measures to prevent the adjustment of public and private interests;

12.14. cooperate with the Chief Official Ethics Commission, other state and municipal institutions in matters of implementation of the provisions on adjustment of public and private interests of members of the University community.

IV CHAPTER SUBMISSION OF DECLARATIONS OF PRIVATE INTERESTS

13. A person applying for a position provided on the List shall be obliged to submit a Declaration electronically through the State Tax Inspectorate's electronic declaration information system, in accordance with the procedure laid down by the legal acts regulating selection, appointment or election to the position on the List.

14. Members of the University community shall submit Declarations in accordance with the provisions of the Law and the Rules. Declarations shall be submitted only electronically through the State Tax Inspectorate's electronic declaration information system no later than thirty (30) calendar days from the date of admission or appointment to the University. If the data specified in the submitted Declaration have changed or new data have appeared which must be included in the Declaration, the declarant shall be obliged to revise the Declaration not later than within 30 (thirty) calendar days from the date of the change of the data or the appearance of new data. If new circumstances arise which may give rise to a conflict between public and private interests, the member of the University community declaring private interests shall be obliged to revise the Declaration without undue delay, but not later than within 7 (seven) calendar days from the date of becoming aware of such circumstances.

15. Members of the University community who declare their private interests electronically must, in the cases referred to in Item 14 of this Procedure, inform their direct supervisor (members of the collegial governing body of the University – the Chairperson of the Central Electoral Commission) of the fact of the declaration, and acquaint them with the content of their declaration by submitting a paper version of the declaration. Members of the University community who declare their private interests electronically must also inform the Human Resources Division about such declaration.

16. The employees of the Human Resources Division who will get acquainted with the content of the Declarations submitted by the persons applying for the positions indicated on the List and by the members of the University community must sign a pledge in the form set out in the Annex to the Description to protect the secrecy of personal data of the person who has submitted the Declaration, who is applying for the positions indicated on the List, and of the member of the University community. This pledge shall be kept in the personal file of the employee undertaking such a pledge.

V CHAPTER DISMISSAL OF A MEMBER OF THE UNIVERSITY COMMUNITY

17. A member of the University community shall be dismissed from the preparation, consideration or adoption of a particular decision, or from the performance of other official duties, if there are sufficient grounds for believing that the participation of that member of the community will give rise to a conflict of interests.

18. Decisions on the dismissal of members of the University community on grounds of conflict of interest shall be taken by their direct supervisor or by the head of the collegial governing body of the University in a reasoned written decision. The direct supervisor or the head of the collegial governing body of the University, upon receipt of a notification of withdrawal by a

member of the University community on the grounds of a conflict of interest, may take a reasoned written decision not to accept the request to withdraw of the member of the University community and to oblige them to continue to perform the functions entrusted to them, take part in the further procedure for the preparation, consideration or adoption of a decision, or for the fulfilment of any other assignment. The direct supervisor or the head of the collegial governing body of the University, in accordance with the criteria approved by the Chief Official Ethics Commission, may refuse to accept a request for withdrawal from a member of the University community only in exceptional cases, after taking into account the outstanding qualifications of the member of the University community who has requested to withdraw, the absence of a ground for withdrawal, or any other exceptional reasoned grounds. The decision not to accept the withdrawal shall be communicated by electronic means to the Chief Official Ethics Commission in accordance with the procedure laid down by the latter no later than 5 (five) working days after the date of the decision.

19. The written decision of the direct supervisor of a member of the University community or of the head of the collegial governing body of the University concerning the dismissal of a member of the University community, or a reasoned decision not to accept the request for withdrawal of the member of the University community, shall be forwarded to the responsible employee. The written decision of the direct supervisor or the head of the collegial governing body of the University to accept or not to accept the dismissal shall be communicated in writing and signed by the withdrawn or dismissed member of the University community.

20. The Rector may make advance written recommendations to members of the University community as to what decisions they should abstain from preparing, considering or adopting, or from performing other official duties which may give rise to a conflict of public and private interests. The advance written recommendations shall be made known in writing and signed by the member of the University community to whom they are addressed. The advance written recommendations shall be forwarded to the Human Resources Division for safekeeping. The advance written recommendations may be made public only with the prior written consent of a member of the University community. If a member of the University community has failed to comply with the advance written recommendations given to them, or, in the event of a conflict of interest situation, has failed to submit, on their own initiative, a written notice of withdrawal or a notice of a conflict of interest situation, the Rector may initiate an investigation into a possible violation of the provisions of the Law.

VI CHAPTER FINAL PROVISIONS

21. Members of the University community who hold positions provided on the List shall be responsible for the accuracy of the information provided in the Declarations, for ensuring that the persons referred to on the List are informed of the circumstances giving rise to a conflict of interest, and for ensuring that they abstain from participation in decisions giving rise to conflicts of interest. Such members of the University community shall be liable for violations in accordance with the procedure established by the Law and other legal acts of the Republic of Lithuania.

22. In the event of amendments to the Law, other normative legal acts regulating the coordination of public and private interests in the public service, or in the event of any contradictions between this Description and these legal acts, the provisions of the Description shall be valid insofar as they do not contradict the aforementioned normative legal acts of the Republic of Lithuania.

Annex to the Description of the Procedure for
the Adjustment and Control of Public and
Private Interests at Vilnius University

**PLEDGE
TO PROTECT THE SECRECY OF PERSONAL DATA**

I hereby undertake:

- to keep the secrecy of personal data;
- to process personal data in accordance with the laws of the Republic of Lithuania and other legal acts governing the personal data processing functions entrusted to me;
- not to disclose or pass on the information processed to any person who is not authorised to use such information, both inside and outside the University;
- to report to my supervisor any information that may jeopardise the security of personal data.

I am aware that:

- I shall be liable under the laws of the Republic of Lithuania for non-compliance with this pledge and for violation of the Republic of Lithuania Law on Legal Protection of Personal Data;
- a person who has suffered damage as a result of unlawful processing of personal data or unlawful acts or omissions of other data controllers or processors, as well as of other persons, shall have the right to claim compensation for pecuniary and non-pecuniary damage caused to them;
- this pledge shall remain in force for the duration of my employment at the University, in the event of a transfer to another position or in the event of the termination of the employment (service) or contractual relationship (Article 24(5) of the Republic of Lithuania Law on Legal Protection of Personal Data).

I am acquainted with:

- the Republic of Lithuania Law on Legal Protection of Personal Data;
- the Republic of Lithuania Law on the Adjustment of Public and Private Interests in the Public Service;
- the Rules on the Completion, Specification and Submission of Declarations of Conflicts of Interest approved by Resolution of the Chief Official Ethics Commission No. KS-84 of 5 July 2012;
- the Description of the Procedure for Compliance and Control of the Provisions of the Republic of Lithuania Law on the Adjustment of Public and Private Interests in the Public Service at Vilnius University.

(Full name, signature)

(Date)

This pledge was signed in the presence of

(Full name and signature of the responsible person)

(Date)

APPROVED

by the Order No. R-495 of 13 November 2017
of the Rector of Vilnius University (Order No. R-
39 of the Rector of
Vilnius University, version of 24 January 2020)

**LIST OF POSITIONS FOR WHICH HOLDERS OF POSITIONS ARE OBLIGED TO
DECLARE PRIVATE INTERESTS**

1. Members of the Council of Vilnius University (except for student representatives).
 2. Members of the Senate of Vilnius University (except for student representatives).
 3. The Rector of Vilnius University.
 4. Pro-Rectors of Vilnius University.
 5. Chancellor of Vilnius University.
 6. Heads (deans, principals) and their deputies of the core academic units of Vilnius University and *sui generis* academic units, heads of branch academic units of the core academic units.
 7. Heads of core non-academic units of Vilnius University, their branch units, and structural units within these branch units with administrative unit rights.
 8. Members of the Public Procurement Commissions of Vilnius University, persons appointed to carry out simplified procurement procedures, experts involved in procurement procedures, and initiators of public procurement.
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