

## Code of Conduct

### 1. INTRODUCTION AND OBJECTIVE

- (1) This Code of Conduct stipulates values, legal requirements and internal regulations at the Hertie School and the Hertie School gemeinnützige GmbH as responsible body (jointly referred to as Hertie School) with respect to research, teaching and business operations as a non-profit institution. Further specific rules and regulations may be applicable in the respective areas.
- (2) The Code of Conduct constitutes a binding set of rules for all members of the Hertie School, consisting of the Management (the President, the Managing Director and the Deans), the Hertie School staff members (faculty members, academic and non-academic staff) and enrolled students. The Code also applies to external lecturers, including Adjuncts, as well as affiliates and Fellows while performing duties for the Hertie School.
- (3) The Code of Conduct applies to all activities that take place on the premises of the Hertie School, and/or to all situations involving Hertie members that carry a close connection to the mission and activities of the Hertie School.
- (4) The Academic Senate of the Hertie School will appoint an Ombudsperson, an Ombudsperson for Diversity and an Ethics Committee to ensure that all Hertie School members comply with the provisions of this Code.

### 2. VALUES

The Hertie School is committed to academic integrity, academic freedom, transparency, mutual respect, diversity and inclusion for the stewardship of the public good.

### 3. PRINCIPLES AND STANDARDS

#### 3.1. Principles

- (1) All Hertie School members shall act in accordance with the values of Section 2 and adhere to all applicable standards of professional practice and ethical behaviour in carrying out the business of the Hertie School.
- (2) For academic work at the Hertie School, the Deutsche Forschungsgemeinschaft's Proposals for "Safeguarding Good Scientific Practice" ([http://www.dfg.de/download/pdf/dfg\\_im\\_profil/reden\\_stellungnahmen/download/empfehlung\\_wiss\\_praxis\\_1310.pdf](http://www.dfg.de/download/pdf/dfg_im_profil/reden_stellungnahmen/download/empfehlung_wiss_praxis_1310.pdf)) as well as the Science Council's Recommendations Regarding Academic Integrity ([https://www.wissenschaftsrat.de/download/archiv/4609-15\\_engl.pdf](https://www.wissenschaftsrat.de/download/archiv/4609-15_engl.pdf)) shall be binding and are part of this Code of Conduct.
- (3) All members of the Hertie Community are bound to promote the image and values of the Hertie School to the general public and to refrain from anything that could disturb the order and/or damage the property or the image of the Hertie School.

#### 3.2. Confidentiality and Privacy

- (1) All trade and business secrets are confidential. Any information proprietary to the Hertie School may not be shared. Hertie School members shall protect all trade and business secrets against any unauthorized use by third parties during their employment at or engagement with the Hertie School as well as after its termination. This shall also apply to any confidential information made available to the Hertie School by third parties, with the exclusive exception of information that has already become part of the public sphere or which is collected by public authorities.
- (2) In compliance with the General Data Protection Regulation, Hertie School members shall only collect, process or use any personal data to the extent that this is required for any previously defined, unambiguous and lawful purposes. As a matter of principle, the use of such data must be transparent for the persons concerned, and their right to information, correction, blocking and deletion as well as their right of objection shall be observed.

### **3.3. Standards of Quality and Integrity**

The Hertie School is committed to the standards of quality and integrity and acts in accordance with the highest level of professional integrity in the academic as well as in the administrative sphere. The conduct of each Hertie School member shall at all times strive for professional excellence. It should contribute to the development of a productive and harmonious workplace. The commitment to integrity is also reflected in the thoughtful, responsible, economical, environmentally friendly and lawful handling of the Hertie School's tangible and intangible assets by all its members. The conduct of all Hertie School members towards any internal and external partners shall be characterized by honesty, openness and mutual respect.

#### **3.3.1. Integrity of Relationships**

- (1) The integrity of relationships between Hertie School members is crucial for the operational mission of the Hertie School. If a relationship of a romantic or sexual nature occurs between a Hertie School member and any person for whom he or she has a direct professional responsibility, for example colleague, student assistant etc., adequate arrangements shall be made by the Management to prevent such a relationship from jeopardizing the Hertie School's operational mission. Such arrangements shall always take the interests of the persons concerned into account and shall consider applicable regulations.
- (2) The integrity of the faculty–student relationship is crucial for the Hertie School's educational mission. The Hertie School faculty members bear authority and accountability as advisors, educators, and evaluators. The pedagogical relationship between a faculty member and a student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the Hertie School. Whenever a faculty member is responsible for the academic supervision of a student, a personal relationship of a romantic or sexual nature between them, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational mission.
- (3) In its dealings with outside parties – states, organisations, and individuals – , the Hertie School should not enter into any relationship that compromises, or could reasonably be perceived to compromise, its ethical principles, or that makes it complicit in illegal activity or the suppression of human rights. Institutional relationships include academic partnerships, commercial contracts and procurement arrangements, financial grants and donations, and sponsorship agreements.

#### **3.3.2. Academic Integrity / Plagiarism**

- (1) The Hertie School is committed to the standards of good academic conduct and academic integrity. Truthfulness and due respect for personal dignity and integrity in the interaction with others constitute binding principles for research, teaching and studies at the Hertie School. They constitute binding rules for the Hertie School members' conduct among each other and towards other members and partners of the Hertie School.

- (2) Any violation of these standards shall be subject to disciplinary action. Infringements include but are not limited to
  - a. using wordings, ideas or other intellectual work of others in an academic work without clearly indicating the author thereof (plagiarism). The obligation to indicate the authorship of others shall apply irrespective of whether or not the sources used are protected by any copyright;
  - b. deceiving or trying to deceive in the conduct with other members or partners of the Hertie School;
  - c. harassing and insulting behaviour or language.
- (3) Any additional regulations that may apply to students can be found in the respectively applicable Hertie School Examination Rules.
- (4) In case of a suspected violation of these standards by a student, the course instructor shall submit the matter to the Examination Committee. If the Committee, after examination of the facts, comes to the conclusion that the suspicion is justified it shall initiate the proceedings stipulated in the Hertie School Examination Rules. In case of a suspected violation of these standards by other Hertie School members, the Management and the Ombudsperson shall be informed; the Ombudsperson shall investigate the matter and initiate respective proceedings.

### **3.3.3. External funding**

- (1) The acceptance of anonymous donations is prohibited. However, donors may request that their donations are not made public. Donations from immediate family members of students shall not be accepted during their studies. If an immediate family member of a Hertie School graduate wishes to make a donation to the Hertie School within two years after the graduation, the Ombudsperson shall decide on the donations' admissibility. Admission of students whose immediate family members made donations within the last two years prior to admission is only possible with the consent of the Ombudsperson. Funds, other than tuition fees, from companies whose decision-makers also finance the participation of their direct employees in degree programmes of the Hertie School shall not be accepted if funding is only offered upon the Hertie School's admission of the said direct employees. Further rules are outlined in the Hertie School Policy for fundraising and donation acceptance.
- (2) The rules with regard to third party funds applicable at the Hertie School are outlined in the Hertie School Policy for third-party funded projects.
- (3) Adequate measures shall be taken in order to exclude the acceptance of funds from corrupt sources. Due diligence and vetting processes will be undertaken in order to make sure that the proposed partner or donor is appropriate with good financial, legal and ethical standing. This will protect the Hertie School's interests and reputation. In case of doubt, the Ombudsperson shall be informed and address and clarify the issue.

### **3.3.4. Social Media**

- (1) For many Hertie School members, participation in social media technologies is an integral aspect of their professional and social lives, which may lead to a blurring of the public face and private identity of employees.
- (2) Hertie School members participating in non-Hertie-School-sponsored social media are personally responsible for what they write. They may disclose their affiliation with the Hertie School, but if they do so, they should disclaim their opinions' connection to the Hertie School.
- (3) When using social media, Hertie School members are obliged to respect their audiences and to respect copyright. Any information proprietary to the Hertie School may not be shared.

- (4) When posting to an official social media account of the Hertie School, statements and attitudes shall represent the Hertie School well and shall, where relevant, be approved by the project or team leader concerned.

### **3.4. Equality and Diversity**

- (1) The Hertie School is committed to the principle of equality and to embedding and mainstreaming equality, diversity and inclusion into all areas of its activities. The School aims to provide a discrimination-free and safe work and study environment in which all members of the community are protected, respected, valued and treated equally.
- (2) In all activities the Hertie School aims to remove discrimination, eliminate unequal opportunities as well as biases and barriers for participation. As a family-friendly university, the school takes into account the different living conditions of individuals.
- (3) All members of the community are expected to act respectful and treat others with dignity and fairness at all times.

#### **3.4.1. Non-Discrimination**

- (1) The Hertie School does not discriminate on the basis of inter alia race, ethnicity, national origin, colour, sex, disability, religion/world view, sexual orientation or age in the administration of any of its employment, in educational programmes, admissions policies, scholarship and loan programmes, or other school-administered programmes. Discrimination is against the law (Equal Treatment Act [*Allgemeines Gleichbehandlungsgesetz/AGG*]) and will not be tolerated. For a definition of discrimination see General Equal Treatment Act (2006) Section 3 Definitions: [http://www.gesetze-im-internet.de/englisch\\_agg/englisch\\_agg.html#p0028](http://www.gesetze-im-internet.de/englisch_agg/englisch_agg.html#p0028)
- (2) The selection and promotion of personnel as well as any other staff-related decisions shall be made on the basis of performance and qualification related criteria. The general principle of equal treatment must be observed.

#### **3.4.2. Harassment and Sexual Harassment**

- (1) According to § 3 para. 3 and 4 of the Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz/AGG*, August 18, 2006), harassment and sexual harassment are regarded as discrimination.
- (2) Harassment is any unwanted physical or verbal behaviour that has the effect or purpose of violating the dignity of the person involved.
- (3) Sexual harassment is unwanted conduct of a sexual nature that has the effect or purpose of violating the dignity of the person involved. Unwanted conduct of a sexual nature includes unwanted sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, comments of a sexual nature, as well as the unwanted showing or public exhibition of pornographic images.
- (4) There are no justifications for any such conduct.

#### **3.4.3. Action in case of alleged misconduct**

- (1) Once the Hertie School determines that an allegation of discrimination, harassment or sexual harassment is credible, Hertie School will take prompt and appropriate corrective action against such incidents.

- (2) In case of a suspected discrimination, harassment or sexual harassment, the Management and the Ombudsperson for Diversity shall be informed; the Ombudsperson for Diversity shall investigate the matter and initiate respective proceedings.

#### **4. CONFLICT OF INTEREST**

The Hertie School expects their members to act in accordance with the principles of loyalty: All Hertie School members shall avoid any situations in which their personal or financial interests collide with corporate interests or the interests of the business or cooperation partners of the Hertie School. Conflicts of interest may lead to situations in which the integrity and professionalism of the Hertie School is challenged. The Hertie School Management and staff members shall disclose on an ad hoc basis and in writing any current, proposed or pending situations that may raise questions of potential conflict of interest as soon as such situations become known to them. The respective statements of the Management are to be submitted to the Ombudsperson and the Supervisory Board and the ones of the staff members to the Management as well as the Ombudsperson. The typical areas of conflict in this context are described below.

##### **4.1. Relations with Funders**

- (1) The Management and the Hertie School staff members shall disclose on an ad hoc basis and in writing any information concerning their and their immediate family members' financial relations with any outside organizations that are sponsors of the Hertie School's teaching or research programmes, or are otherwise involved in any current, proposed or pending financial relation with the Hertie School. The respective statements of the Management are to be submitted to the Ombudsperson and the Supervisory Board and the ones of the staff members to the Management as well as the Ombudsperson.
- (2) The Management and faculty members shall not participate in external commissions which evaluate applicants for positions or decide on the granting of titles, if the persons evaluated by the respective commission are either sponsors of the Hertie School or immediate family members/life partners of the participants in the commission.
- (3) If in an internal commission, which evaluates applicants for positions or decides on the granting of titles, the person evaluated by the respective commission is a sponsor of the Hertie School, the Ombudsperson shall participate in the commission and safeguard the objectivity of the decision making.

##### **4.2. Research Projects and Cooperation**

- (1) In situations in which the objectivity of a faculty member could reasonably be questioned, the Management of the Hertie School may ask the Ombudsperson to review the research project under question. For research projects initiated by the President, Deans or the Ombudsperson that could reasonably be questioned the Ethics Committee shall undertake a thorough review and decide on the continuation of the project.
- (2) The Hertie School staff members may be executive members of any cooperation partners of the Hertie School, but shall inform the Management in advance and get its approval in order to avoid conflicts of interest. The Management may be executive members of any cooperation partner of the Hertie School, but shall inform the Supervisory Board and get its approval.

##### **4.3. Nepotism and Patronage**

- (1) It is unacceptable for Hertie School members to favour relatives (nepotism) or people they know (patronage) in decision-making and provision of services.

- (2) Hertie School members who participate in appointment procedures are obliged to reveal any relationship that they may have with the candidate, be it of private or professional nature, to the other members of the Appointment Committee and to the Ombudsperson. The Ombudsperson shall, on the basis of the history of the relationship, decide on the further participation of the member in the committee. The Ombudsperson may decide to remove the Hertie School member participating in the appointment procedure from his/her participation in the respective appointment committee with immediate effect on the grounds of prejudice or conflict of interest in which case a new committee member has to be appointed. There shall be a rebuttable presumption that members of appointment committees with a personal conflict of interest ought to recuse themselves.
- (3) In case a Hertie School staff member requests the conclusion of a contract (e.g. labour contract, contract for work or services, scholarship agreement, preparation of an expert opinion) with an immediate family member or someone with whom they have a close personal relation the staff member must disclose such relationship to the Management and to the Ombudsperson who will rule on the contract's admissibility.
- (4) In the case the Management intends to conclude a contract (e.g. labour contract, contract for work or services, scholarship agreement, preparation of an expert opinion) with a family member or someone with whom they have a personal relationship the Management must disclose such relationship to the Ombudsperson who will rule on the contract's admissibility. Final decisions on such contracts must be left to the discretion of the Supervisory Board.

## **5. CORRUPTION, MISCONDUCT OR ILLEGAL ACTIVITY**

### **5.1. Corruption and Bribery**

The Hertie School does not accept or tolerate any type of corruption. The term corruption describes the misuse of power for personal interests. According to criminal law, this includes offenses such as bribery, corruptibility, acceptance or granting of undue benefits (§§ 331–335 of the German Criminal Code [*Strafgesetzbuch/StGB*]). Bribery and corruption in the course of business transactions constitute punishable acts which are subject to fines or imprisonment of up to three years, and up to five years in serious cases (§§ 299, 300 of the Criminal Code). Members of the Hertie School who are the subject of attempted bribery, i.e. who are offered or granted personal advantages in connection with business activities, shall immediately inform the Management and the Ombudsperson thereof.

### **5.2. Unlawful Appropriation and Embezzlement**

No Hertie School member must illegally use or set aside items that do not belong to him/ her, nor dishonestly withhold assets for the purpose of conversion of such assets that have been entrusted to him/her to be held or used for other purposes. Unlawful appropriation and embezzlement are punishable acts which are subject to fines or imprisonment of up to three/five years according to §§ 246, 266 of the German Criminal Code (*Strafgesetzbuch/StGB*).

### **5.3. Money laundering**

No member of the Hertie School must engage in any activities that violate any domestic or foreign money laundering regulations. "Money laundering" as defined in this Code of Conduct shall in particular mean the integration of any funds or other assets of direct or indirect criminal provenance into the regular economic cycle. Such acts are punishable according to § 261 of the German Criminal Code (*Strafgesetzbuch/StGB*).

### **5.4. Fraud**

Hertie School members must not engage in fraudulent activities. For the purposes of this Code, fraud is defined as dishonestly obtaining a benefit by intentional wrongful deception or other misleading means. Such acts are punishable according to § 263 of the German Criminal Code (*Strafgesetzbuch/StGB*).

#### **5.5. Offering gifts or other advantages**

- (1) Gifts and invitations offered to business contacts are common business practice to a certain extent. The Hertie School members shall only offer gifts within the scope of common courtesy, and only if this does not convey the impression of dishonesty or incorrectness.
- (2) The value of any corporate gift should in principle not exceed 35,- Euros. In exceptional cases the value of gifts may exceed 35,-Euros; these cases must be well founded and documented accordingly. No personal advantages of any kind may be granted to domestic or foreign officials. The administrative regulations concerning the conduct of government officials in Germany and abroad may vary widely and provide for very low threshold values. Therefore, the utmost restraint is required in such cases.
- (3) The offering of cash gifts is prohibited without any exceptions.
- (4) Gifts may not be sent to private addresses as long as there is another official or business address.

#### **5.6. Acceptance of gifts or other advantages**

- (1) No member of the Hertie School shall use their function or position to accept or solicit any personal advantages. The acceptance of gifts of minor value (in principle not exceeding 35,- Euros) is permitted. The acceptance of other gifts requires the approval of the superior as well as appropriate documentation and may have tax implications for the recipient.
- (2) The acceptance of cash gifts is prohibited without any exceptions.
- (3) Gifts sent to a private address may not be accepted and the Management as well as the Ombudsperson need to be informed.

### **6. PROCEDURE FOR HANDLING SUSPECTED VIOLATIONS**

Allegations of improper behaviour, misconduct and violations of this Code as well as German and international law shall be treated seriously and resolved promptly. Based on a joint proposal by the Management and the Faculty, the Academic Senate of the Hertie School will appoint an Ombudsperson, an Ombudsperson for Diversity and an Ethics Committee. The Ombudsperson, the Ombudsperson for Diversity and the Ethics Committee will be appointed for two years, with a possibility of reappointment.

#### **6.1. The Ombudsperson**

The Ombudsperson shall be a full-time faculty member of the Hertie School. The Ombudsperson shall provide confidential advice to those who inform him/her that misconduct is suspected and facilitate resolutions in an impartial manner. If the Ombudsperson is given information suggesting that misconduct has taken place, he/she shall investigate the circumstances, hear all parties concerned and shall recommend remedial measures to the management according to his/her best judgment. In serious cases he/she shall inform the Management as well as the Ethics Committee about the respective investigation. In any case, he/she shall report the measures taken to the Ethics Committee and – if there is any – to the Hertie School member concerned. If considered necessary by the Ombudsperson, he/she may assign the issue to the Ethics Committee for clarification.

#### **6.2. The Ombudsperson for Diversity**

The Hertie School Diversity Ombudsperson shall be a faculty member of the School. He/she shall listen to and review matters related to diversity raised by Hertie School members, respond to concerns and complaints regarding diversity, provide confidential advice to those who inform him/her that misconduct – discrimination, harassment or sexual harassment – is suspected and facilitate resolutions in an impartial manner. If the Ombudsperson for Diversity is given information suggesting that misconduct has taken place, he/she shall investigate the circumstances, hear all parties concerned and shall recommend remedial measures to the management according to his/her best judgment. In serious cases he/she shall inform the Management as well as the Ethics Committee about the respective investigation. In any case, he/she shall report the measures taken to the Ethics Committee and – if there is any – to the Hertie School member concerned. If considered necessary by the Diversity Ombudsperson, he/she may assign the issue to the Ethics Committee for clarification. Further, the Diversity Ombudsperson can be approached with concerns or complaints in relation to the School's compatibility of work/study and family life.

The Diversity Ombudsperson's primary focus is protection and promotion of equality and diversity at the School and he/she will be consulted and involved in the school's diversity related initiatives.

### **6.3. The Ethics Committee**

The Ethics Committee is an appeal body responsible for overseeing and clarifying ethical issues and conflicts at the School. It shall consist of one member of the Board of Trustees as chair, one qualified external member, and one member of the Alumni Board. The chair may invite a tenured faculty member and/or a senior person from administration to sit temporarily on the Ethics Committee depending on the nature of the case to be discussed. The members will all be approved and appointed by the Academic Senate upon proposal by the Management. The Ethics Committee may take further action in response to the report of the Ombudsperson or Ombudsperson for Diversity and shall take action in case of an assignment by the Ombudsperson or Ombudsperson for Diversity or if requested by one of the Ethics Committee's members. The Ethics Committee shall take all necessary steps to clarify the matter, and shall inform the Academic Senate and the Management. According to its best judgement, the Ethics Committee shall take a decision on further steps to be taken, if necessary.

### **6.4. Reporting suspected violations**

- (1) Any questions or concerns regarding this Code may be communicated to the Ombudsperson and/or – in case of diversity, discrimination, harassment or sexual harassment related issues – to the Diversity Ombudsperson. Members of the Hertie School who suspect criminal acts or serious irregularities are held to report such suspicions to the Ombudsperson and/or – in case of discrimination, harassment or sexual harassment – to the Diversity Ombudsperson immediately. However, they must not knowingly make false disclosures.
- (2) In case of a suspected criminal act the Ombudsperson or the Diversity Ombudsperson has to inform the Management as well as the Ethics Committee who will jointly agree on the further steps to be taken.
- (3) The complainant may ask not to disclose his/her identity to anyone who does not have a substantiated interest to know. In case of complaints against the Ombudsperson or the Diversity Ombudsperson, the complaint shall be reported to the Ethics Committee directly. In case of complaints against a member or members of the Ethics Committee, such complaints shall not be handled by the person/s concerned but by the remaining members.

### **6.5. Hearings and right of appeal**

Recommendations of the Ombudsperson or Diversity Ombudsperson and decisions of the management may be appealed to the Ethics Committee, who shall within reasonable time provide an assessment of their decision and recommendations (as well as any associated sanctions and remedial



measures). The legal right of the persons concerned to be heard must be protected. He/she can ask to be given a personal hearing by the Ethics Committee, as can the complainant in the case of contradicting statements. The legal right of the person concerned, the complainant as well as the Hertie School to take recourse to the competent civil, administrative or criminal courts shall remain unaffected.

#### **6.6. Breaches, sanctions and other remedial measures**

- (1) There is a general expectation that the Hertie School will have a high standard of integrity and be free from misconduct, corruption or other illegal activity. The Hertie School ensures that all Hertie School members are held accountable for inappropriate conduct. This includes reporting any conduct, which the Ombudsperson, the Diversity Ombudsperson and the Ethics Committee reasonably believe to be illegal, to the relevant authorities.
- (2) Any violation of the Code of Conduct is considered to be a breach of confidence. Even allegedly minor statutory violations by Hertie School members may considerably impair or damage the reputation of the Hertie School and shall not be tolerated. Any breach of law or other binding regulations by members of the Hertie School may have far-reaching consequences under labour law or under criminal law.
- (3) The Ombudsperson and Diversity Ombudsperson may recommend to the Management of the School proportionate sanctions where they find that provisions of the Code of Conduct have been breached. These sanctions should take into account the interests of the parties involved and the nature and seriousness of the breach.
- (4) In cases of discrimination, harassment or sexual harassment, sanctions for students may include asking for (mediated) apologies, exclusion a member of School temporarily from campus, suspension of academic studies or work, supportive measures for affected persons and recommendations for awareness raising activities.
- (5) To protect the safety of the Members of the Hertie School, the School Management, upon the recommendation of Ombudsperson or Ombudsperson for Diversity may undertake precautionary measures where there is evidence a serious breach of the Code of Conduct has occurred. These measures should be proportionate and should cease to have effect once the investigation of any resulting complaint has been completed. Such measures should be reported to the Ombudsperson or (in the case of a breach regarding s3.4) the Diversity Ombudsperson.

#### **7. TAKING EFFECT; REVIEW AND AMENDMENT PROCEDURE**

- (1) After having heard the Academic Senate, this Code of Conduct took effect on 01.03.2013 and remains in force in its current version of 25.09.2019 until revoked.
- (2) The Code of Conduct is subject to a yearly evaluation/review process.
- (3) Requests for amendments of this code shall be referred to the Management and to the Hertie School Ombudsperson. All suggested amendments will be reviewed and presented to the Academic Senate who shall confirm the incorporation of the amendments.