

Code of conduct of ETH Zurich on dealing with contributions

of 2nd September 2014 (as per revision of 1st November 2019¹)

The ETH Zurich Executive Board,

pursuant to article 4 (1) lit. g of the Ordinance Concerning the Organisation of the Zurich Federal Institute of Technology of 16 December 2003², hereby issues the following guidelines:

Introduction

Contributions allow ETH Zurich to accelerate the implementation of strategic projects (e.g. establishing new professorships) and provide new impetus for the focused expansion of research and teaching activities, including the necessary infrastructure. The ETH Act allows ETH Zurich to make use of private funding in order to achieve its objectives³. This code of conduct provides a reliable and transparent operational framework for professors and other employees of ETH Zurich as well as for potential private donors.

I. General

1. Scope

1 This code of conduct applies to all contributions from private donors that ETH Zurich receives directly or through the ETH Zurich Foundation, irrespective of the amount.

2 In accordance with article 52 of the Financial Regulations of ETH Zurich, sponsorship contributions are not subject to this code of conduct.

2. Definitions

In accordance with article 51 of the Financial Regulations of ETH Zurich, the following definitions apply:

- a. The term “*donors*” refers to legal entities or private individuals, which provide a contribution to ETH Zurich as private donors within the meaning of this code of conduct.
- b. The term “*contribution*” refers to any contribution of financial or material resources (including real estate and collections) for a certain purpose without any consideration in return, either a **donation**, an **inheritance**⁴ or a **legacy**. The contribution can be linked to an obligation or condition imposed by the donor, the testator or benefactor. Contributions can be used to establish and support new professorships, institutes or centres, as well as to promote research projects or other activities at ETH Zurich.

¹ Editorial changes due to revision of financial regulations as of 1.1.2019

² RSETHZ 201.021 (www.rechtssammlung.ethz.ch)

³ See. Article 3 a) and 34 c) of the ETH Act; SR 414.110

⁴ ETH Zurich may be nominated as the heir to an inheritance or be made the beneficiary of a bequest.

Donors may be mentioned once or repeatedly in a neutral manner in a publication or have a lecture hall/building named after them, even if this involves the name of a donor's company; however, this does not represent a consideration and thus is not deemed to be a sponsorship contribution⁵.

- c. The term "*Professorship initially funded by third-party resources*" refers to a professorship, which is co-financed by a donor for a specific period with a specific amount (see Appendix).

3. Legal basis

- ETH Act of 4 October 1991 (SR 414.110)
- Freedom of Information Act of 17 December 2004 (FoIA; SR 152.3)
- Directives of ETH Domain of 11/12 December 2007 with regards to dealing with donations for real estate in the ETH Domain (RSETHZ 124.1)
- Financial Regulations of ETH Zurich of 1 January 2019 (RSETHZ 245)
- Treasury Regulations of ETH Zurich of 17 November 2009 (RSETHZ 245.8)

4. Responsibilities

1 Contributions to ETH Zurich by donors can be made directly to ETH Zurich or to the ETH Zurich Foundation.

2 The ETH Zurich Foundation is an independent, charitable foundation in accordance with article 80 et seq. SCC and is supervised by the Federal Supervisory Board for Foundations⁶. Its purpose is to promote research and teaching activities at ETH Zurich by providing the relevant financing and it acts as the official fundraising organisation of ETH Zurich.

3 The responsibilities set out in article 51 of the Financial Regulations of ETH Zurich apply to the acceptance or rejection of contributions.

4 The long-term management of contributions to ETH Zurich is conducted in accordance with the Treasury regulations of ETH Zurich of 17 November 2009.

5. Principles for accepting contributions

1 The following principles apply when accepting contributions:

- a. teaching and research activities may not be restricted; freedom of publication must be ensured at all times for the persons and projects at ETH Zurich receiving the contributions; the provision of a contribution does not result in any entitlement to the ownership or right of use of research results;
- b. the autonomy and independence of ETH Zurich must be safeguarded at all times; donors have no influence apart from the purpose of the contribution set out in the contract, in particular, they are not involved in decisions relating to personnel and acquisitions;
- c. the funds must have a transparent, known and trustworthy origin⁷;
- d. in principle, the objective and purpose of the contribution must already form part of existing plans and strategies of ETH Zurich and must be clearly regulated in writing in the contract with the donor; any conditions or requirements must be precisely specified;
- e. there may not be any risk to the good reputation of ETH Zurich;
- f. the acceptance of the contribution may not give rise to any conflict of interest;
- g. the contribution must help fulfil the statutory mission of ETH Zurich;
- h. the contribution may not give rise to excessive subsequent costs for ETH Zurich.

2 Contributions that are not compatible with these principles cannot be accepted by ETH Zurich.

⁵ Article 3 i) Federal Law on Value-Added Tax of 12 June 2009 (SR 641.20)

⁶ see Art. Financial Regulations

⁷ Article 51 (11) of the Financial Regulations

5.bis Content of contract⁸

Contracts with donors governing the partial or the initial funding of professorships must be concluded in writing, comply with the principles set out in section 5 above and contain at least the following standard clauses:

- a. The decision to propose a candidate to the ETH Board for appointment lies solely with the President of ETH Zurich, even if the donor withdraws during the ongoing appointment process;
- b. Freedom of research, teaching and publication is guaranteed at all times for the professorship and all funded researchers. The provision of a contribution does not result in any entitlement to the ownership or right of use of research results;
- c. The content of this contract may be disclosed;
- d. The involvement of a professionally qualified representative of the donor in the appointment committee is possible at the invitation of the President of ETH Zurich;
- e. Place of jurisdiction: Ordinary courts at the domicile of ETH Zurich (arbitration clauses are not permitted).

II. Donors

6. Recognition of contributions

1 ETH Zurich shall treat its donors with respect and appreciation.

2 ETH Zurich shall ensure the funds are used for the designated purpose and report to its donors to the extent this is agreed in the contract.

3 In principle, contributions are published in an appropriate manner in the print and online media of ETH Zurich and/or the ETH Zurich Foundation, mentioning the name(s) of the donor(s), the amount of the contribution and, where appropriate, the purpose. ETH Zurich shall respect the wish of any donor not to be mentioned in public.

4 Contributions from donors can be acknowledged by ETH Zurich in accordance with the Appendix.

7. Entry into force

This code of conduct enters into force on 1 October 2014.

Zurich, 2 September 2014

SWISS FEDERAL INSTITUTE OF TECHNOLOGY ZURICH

On behalf of the Executive Board:

The President: Ralph Eichler
Secretary General: Hugo Bretscher

⁸ As amended by decision of the ETH Zurich Executive Board of 20 September 2016, effective as of 1 October 2016

APPENDIX to the code of conduct of ETH Zurich of 2 September 2014

Recognition of donor contributions

Item	Guide value	Description of recognition
Full/associate professorships	CHF 10 million within 10 years	Possible involvement of a professionally qualified representative of the donor in the appointment committee at the invitation of the President of ETH Zurich. Professorship cannot be named after the donor
Assistant professorship	CHF 3 million for 6 years	Possible involvement of a professionally qualified representative of the donor in the appointment committee at the invitation of the President of ETH Zurich. Professorship cannot be named after the donor
Lecture hall	Max. 20 years	Naming of lecture halls: Modestly sized nameplate without a company logo
Buildings	Max. 25 years	Naming of buildings: Modestly sized nameplate without a company logo
Scholarships/grants		Naming possible in case of long-term financing of a scholarship/grant
Annual report	At least CHF 20,000	Name is listed in the annual report of ETH Zurich
Honour plaque	At least CHF 10,000	Name is listed on a dedicated honour plaque (currently in the faculty restaurant)