

Regulations on Projects from ETH Zurich Receiving Research Funds from US-American Funding Agencies

dated July 1, 2014, version January 1, 2016

Based on Article 4 Paragraph 1 Letter g of the ETH Zurich Organizational Regulations of December 16, 2003¹, *the Executive Board hereby*

decrees the following regulations:

Section 1: General Provisions

Art. 1 Scope of Application

¹These regulations apply in relation to the acceptance of funding contributions (Grants) granted by US-American funding agencies, and which are awarded to ETH Zurich by the corresponding funding agencies directly as the primarily responsible institution (*main awardee*) or upon arrangement by a primarily responsible institution (*subawardee*)².

²Upon acceptance of a funding contribution, both ETH Zurich as well as the researchers concerned are under obligation to comply with the provisions of the investor.

³These regulations implement the principal provisions and regulate the obligations, procedures and competences associated therewith.

Art. 2 Competences

The competences, the procedure and the declaration regarding financial interests are compiled in appendices A to E.

Section 2: Financial Management / Reporting / Audit

Art. 3 Financial Management

¹ A separate fund must be opened for each Grant. The opening of a fund takes place according to the general regulations of ETH Zurich and requires in each instance a valid contract with either the funding agency or the primarily responsible institution³.

¹ RSETHZ 245

² Version as per Decision of the ETHZ Executive Board of November 24, 2015; in force since January 1, 2016.

³ Version as per Decision of the ETHZ Executive Board of November 24, 2015; in force since January 1, 2016.

² The researchers budget all costs directly referring to the respective project as direct costs. When required, a budget calculator is provided by the Accounting department.

³ The researchers are bound to acquaint themselves with the direct costs permitted by the funding agency. In case of ambiguity, the Accounting department must be contacted.

⁴ Indirect costs (Facilities and Administrative Costs, F&A Costs) are budgeted according to the funder's provisions⁴.

Art. 4 Reporting

¹ The persons responsible for the budget together with the fund holders of the corresponding project are accountable for the financial reporting (cf. Article 42 of the Financial Regulations of the ETH Zurich⁵). Upon demand, the Accounting department may act as counselor. Questionnaires of the investors concerning ETH Zurich standards regarding accounting, billing and revision must be addressed to the Accounting department and are completed there.

² Once a year, the Accounting department provides a Report of Factual Findings of Agreed-upon Procedures, compiled by the Swiss Federal Audit Office, to the person responsible for the budget of the corresponding project.

Art. 5 Audit

The Accounting department coordinates an external project audit once a year, where required together with other Swiss universities. For estimation purposes of the relevant scope of audit, the researchers are obliged to deliver copies of all financial reports, including timesheets, to the Accounting department. If procurable, the costs of the project audit are charged to the corresponding project fund.

Section 3: Financial Conflicts of Interest

Art. 6 Basic Principle

To preserve the independence and objectivity of research, financial conflicts of interest must be avoided.

⁴ Version as per Decision of the ETHZ Executive Board of November 24, 2015; in force since January 1, 2016.

⁵ RSETHZ 245

Art. 7 Definition

¹ A financial conflict of interest is defined as every situation in which the research conducted within a project may be influenced in its planning and implementation or in its publication of results by the financial interests of:

- a. The persons mainly responsible for the research project (persons responsible for budget and project)⁶;
- b. Their partners;
- c. Their children under parental custody.

² All assets are defined as financial interests, particularly:

- a. Wages, fees, and other charges for services which, accumulated for the persons specified in paragraph 1, exceed a predetermined limit⁷;
- b. Shares, holdings, options and the like which, accumulated for the persons specified in paragraph 1, exceed a predetermined limit⁷ or generate more than 5% of the holder's interests;
- c. Revenues from intellectual property rights which, accumulated for the persons specified in paragraph 1, exceed a predetermined limit⁷;
- d. Travel expenses sponsored directly or refunded by private third parties.

³ The following financial interests in terms of Paragraph 2 are excluded from these regulations: Wage payments and other financial compensations by ETH Zurich as well as revenues from pedagogical or consultative activities for public or nonprofit organizations.

Art. 8 Duty to Disclosure

¹ The persons mainly responsible for the research project concerned (persons responsible for budget and project) are bound to disclose their financial interests and those of their relatives to ETH Zurich according to Article 7 Paragraph 1 Letters b and c, should this be requested by the corresponding funding agency, upon notice of the approval of their funding application and prior to the corresponding signing of the contract with the funding agency or the primarily responsible institution, respectively⁸.

² Disclosure is to be made by means of a form (appendices D and E), to be submitted to the staff unit EU GrantsAccess.

³ This form must be submitted to EU GrantsAccess once a year. In case the financial interests have altered in the meantime, the form must be resent within 60 days.

⁴ The persons concerned must inform EU GrantsAccess about precautionary measures to eliminate possible project impacts in case it must be assumed that a financial conflict exists when submitting a project or in case a conflict arises during a running project.

⁶ Version as per Decision of the ETHZ Executive Board of November 24, 2015; in force since January 1, 2016.

⁷ At present, the sum for PHS Grants amounts to US\$ 5,000 per year, for NSF Grants to US\$ 10,000 per year.

⁸ Version as per Decision of the ETHZ Executive Board of November 24, 2015; in force since January 1, 2016.

Art. 8^{bis} ETH Zurich as Main Project Manager⁹

¹ If ETH Zurich conducts a project as the primarily responsible institution (*main award-ee*), it is its duty to guarantee wherever required that other universities participating in the same project (*subawardees*) comply with the US-American provisions as in 42 Code of Federal Regulation Part 50 Subpart F.

² Thereto, the participating universities must produce their own regulations regarding financial conflicts of interest complying with the provisions as in 42 Code of Federal Regulation Part 50 Subpart F. Participating universities commit themselves to report financial conflicts of interest related to the project within 30 days upon notice to ETH Zurich for the attention of EU GrantsAccess.

³ If a participating university cannot produce a sufficient regulation, it may use the regulation of ETH Zurich for the corresponding project analogous to the regulations at hand. Participating universities commit themselves to report financial conflicts of interest related to a project within 30 days upon notice to ETH Zurich for the attention of EU GrantsAccess. Further proceedings are effected analogous to the regulations at hand.

⁴ The participating universities confirm in writing the options applying to them as described above in paragraphs 2 and 3 to ETH Zurich for the attention of EU GrantsAccess, by reference to the Subrecipient Financial Conflicts of Interest Certification Form (Appendix F).

Art. 9 Duties of EU GrantsAccess

¹ EU GrantsAccess inspects the reports according to Article 8 and 8^{bis} for a potential conflict of interests, takes precautions when required to solve the conflict and reports thereof according to Paragraph 4.

² In case the person concerned has already taken precautionary measures to eliminate a conflict of interests, EU GrantsAccess verifies these measures, orders additional measures where necessary and reports thereof according to Paragraph 4.

³ In case EU GrantsAccess learns belatedly that the research project was influenced by a financial interest that was not reported, EU GrantsAccess orders measures to solve the conflict and reports thereof according to Paragraph 4 within 60 days after the detection of the financial conflict of interests.

⁴ The report is addressed to the institution bearing the main responsibility for the project (*main awardee*) or directly to the funder in case ETH Zurich acts as the Main Project Manager (*main awardee*).¹⁰

⁵ Upon request, EU GrantsAccess is obliged to make all relevant documents available to the funding agency.

⁶ EU GrantsAccess stores all documents for the duration of 10 years, starting as of the submission date of the final reports regarding the project to the funding agency.

⁹ Version as per Decision of the ETHZ Executive Board of November 24, 2015; in force since January 1, 2016.

¹⁰ Version as per Decision of the ETHZ Executive Board of November 24, 2015; in force since January 1, 2016.

⁷ EU GrantsAccess ensures regular information and training of all ETH Zurich staff members concerned.

Section 4: Entry into Force

Art. 10

These regulations enter into force as of July 1, 2014.

June 24, 2014

On behalf of the Executive Board:

The President:

The Secretary General:

Ralph Eichler

Hugo Bretscher

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