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Guidelines concerning Outside Activities of ETH Zurich Professors

dated 12 February 2008 (Version 1 February 2017)

The ETH Zurich Executive Board, pursuant to Article 6 of *ETH Board's Instructions concerning Outside Activities of ETH Domain Professors* [Weisungen des ETH-Rates betreffend Nebenbeschäftigung von Professorinnen und Professoren im ETH-Bereich] of 28 March 2007¹, Article 6, Paragraph 4 of the *ETH Professorial Ordinance* [Professorenverordnung ETH] of 18 September 2003² and Article 4, Paragraph 1g of the *Ordinance on the Organisation of ETH Zurich* [Organisationsverordnung] of 16 December 2003³, hereby issues the following Guidelines:

Chapter 1: General

Article 1 Scope

¹ These Guidelines apply to full and associate professors as well as assistant professors of ETH Zurich irrespective of their contracted level of activity.⁴

² They apply to both professional activities and the exercise of a public office.

Article 2 Definitions

¹ The following are regarded as outside activities:

- a) paid and unpaid consultancy activities;
- b) external teaching and lecturing assignments;
- c) membership of a Board of Directors of a company or foundation;⁵
- d) public office;
- e) other services provided by ETH Zurich professors in their own name, on their own account and at their own responsibility, i.e. not part of their employment with ETH.

² The following activities closely allied to the duties of a professor are **not** regarded as outside activities within the meaning of these Guidelines:

- a) membership of scientific and university committees;
- b) attendance at and organisation of scientific conferences;
- c) acting as an expert for university or university-related purposes;

¹ RSETHZ 501.1 (www.rechtssammlung.ethz.ch)

² SR 172.220.113.40

³ RSETHZ 201.021 (available in German only)

⁴ Version as per Decision of the ETH Zurich Executive Board of 29 October 2013, in force since 1 November 2013

⁵ Version as per Decision of the ETH Zurich Executive Board of 29 October 2013, in force since 1 November 2013

- d) involvement in the publication of scientific or other professional journals;
- e) acting as an expert in connection with subject examinations;
- f) membership of expert or working groups and committees appointed by cantonal and federal authorities and international bodies;
- g) coordination, management and teaching responsibilities associated with the continuing professional development courses offered by ETH Zurich or in which ETH Zurich is involved;
- h) membership of a Board of Directors of a company or foundation exercised on behalf of ETH Zurich;⁶
- i) repealed⁷

Chapter 2: Conflicts of Interests

Article 3 Principles

¹ In the exercise of activities outside ETH Zurich, professors are required to safeguard the legitimate interests of ETH Zurich at all times. As a general rule, any paid external activity should relate to the particular area of expertise of the professor.

² Outside activities are admissible provided they

- a) do not have a detrimental effect on the discharge of the professor's responsibilities as specified in his or her contract of employment,
- b) are compatible with the professor's position at ETH Zurich and
- c) do not have a detrimental effect on the interests of ETH Zurich and in particular its reputation or the interests of members of ETH.

³ Professors are responsible for any insurance to cover risks associated with the outside activity.

Article 4 Use of the ETH Zurich name

In the exercise of outside activities as defined in these Guidelines, professors may not act on behalf of and for the account of ETH Zurich; in particular they may not use the ETH Zurich letterhead for correspondence or use the "ETH" logo in any form whatsoever (e.g. on a website). In addition, Article 53 of the Financial Regulations of ETH Zurich shall apply.⁸

Article 5 Use of facilities or staff

¹ The use of ETH Zurich staff, in particular scientific assistants and technical employees for the exercise of outside activities is only admissible in exceptional cases and requires the express approval of the President. This does not apply to the minor use of secretarial services.

⁶ Version as per Decision of the ETH Zurich Executive Board of 29 October 2013, in force since 1 November 2013

⁷ Version as per Decision of the ETH Zurich Executive Board of 10 January 2017, in force since 1 February 2017

⁸ RSETHZ 245

² If the infrastructure of ETH Zurich is used for the exercise of paid outside activities, in particular laboratory equipment, apparatus and instruments, professors are charged a fee based on the net annual earnings from these outside activities. As a rule, this ranges from 5% - 15% depending upon the degree of use. The President shall decide the level of fee payable.

³ The Accounting Department monitors incoming payments and notifies any outstanding amounts to the Director of Finance and Controlling⁹. Incoming payments are credited to the cost centre of the professor or his/her department.

Article 6 Spin-off companies

¹ Professors who set up a spin-off company are also subject to these Guidelines. They are required to exercise particular care to avoid any conflict of interests between their involvement in the company and their responsibilities at ETH Zurich. Any such conflict of interests shall be notified to the Vice President for Research¹⁰.

² Any use of premises, equipment and intangible assets of ETH Zurich by a spin-off company shall require a contractual agreement with the Vice President for Research¹¹.

³ The professor may only act as chair of the Board of Directors or exercise an executive management function in the spin-off during its start-up phase (usually three years).¹²

Chapter 3: Approval

Article 7 Requirement for approval

¹ Outside activities require prior approval if

- a) a full-time professor plans to spend more than one working day per week on the activity¹³;
- b) a professor plans to become a member of a Board of Directors or exercise an executive management function in a company¹⁴;
- c) a professor plans to use the infrastructure of ETH Zurich or its staff
- d) there is a significant, known or foreseeable risk to the reputation or financial interests of ETH Zurich.

² Professors are required to evaluate their outside activities to ensure that they do not interfere with the discharge of their contractual employment obligations and that there is no possible risk to their obligations to safeguard the reputation or financial interests of ETH Zurich¹⁵.

³ If in any doubt as to whether a outside activity is compatible with the provisions of these Guidelines, the professor shall notify the President of ETH Zurich before starting the activity.

⁴ If the total number of hours spent by professors on their outside activities exceeds one day per calendar week based on an annual average, this may result in a reduction in their contracted level of activity.

⁹ Now Vice President of Finance and Controlling

¹⁰ Now Vice President for Research and Corporate Relations

¹¹ Now Vice President for Research and Corporate Relations

¹² Version as per Decision of the ETH Zurich Executive Board of 29 October 2013, in force since 1 November 2013

¹³ Article 6 Para. 2 of the *ETH Professorial Ordinance* [Professorenverordnung ETH]

¹⁴ Article 6 Para. 3 of the *ETH Professorial Ordinance* [Professorenverordnung ETH]

¹⁵ Article 4 Para. 2 *ETH Board's Instructions concerning Outside Activities of ETH Domain Professors*

⁵ Approval to act as chair of a Board of Directors or exercise an executive management function is only approved in justified cases and if necessary, the contracted level of activity with ETH Zurich may be reduced.¹⁶

Article 8 Approval procedure

¹ The application for approval must be submitted to the President of ETH Zurich in good time before the start of the outside activity.

² The application must contain the following information:

- a) the nature of the outside activity;
- b) the expected time outlay;
- c) the extent of any use of staff or infrastructure of ETH Zurich;
- d) any additional costs for ETH Zurich;
- e) the term of office if the professor is to serve on a Board of Directors or exercise an executive management function;
- f) the activities of the company (certified current extract from the commercial register) if the professor is to serve on a Board of Directors;
- g) any financial interest that the professor has in the company;
- h) assessment of any potential risk to the reputation and financial interests of ETH Zurich and the measures to exclude or minimise such risks.

³ If the application is approved by the Executive Board, the President notifies the professor by letter. If it is rejected, a written decision is issued.

⁴ The Office for Faculty Affairs (Dozentendienst)¹⁷ is responsible for administering the approval and will introduce the measures required for its implementation.

⁵ The Executive Board, after consulting the President, may withdraw the approval if the conditions under which it was granted no longer apply or if incorrect information was given in the application for approval.

⁶ The approval is granted for a limited period of time providing the conditions specified in Article 3 Paragraph 2 are met in full.

Chapter 4: Sanctions and accountability

Article 9 Sanctions

In the event of non-compliance with these Guidelines, Article 58-58b of the *ETH Domain Personnel Ordinance* dated 15 March 2001¹⁸ shall apply.

Article 10 Accountability

¹ In an Annual Report to be submitted by 31 January, professors are required to include details of outside activities as per Article 2, Paragraph 1 of these Guidelines carried out during the previous year.¹⁹

¹⁶ Version as per Decision of the ETH Zurich Executive Board of 29 October 2013, in force since 1 November 2013

¹⁷ Now Office for Faculty Affairs

¹⁸ SR 172.220.113; Article 36 of the *ETH Professorial Ordinance* [Professorenverordnung ETH]

¹⁹ Version as per Decision of the ETH Zurich Executive Board of 26.01.2011, in force since 01.08.2011

² The President shall submit a report each year to the Executive Board on the nature and extent of outside activities exercised by professors.

Chapter 5: Final provisions

Article 11 Transitional provisions

¹ Approvals granted under the previous rules on the exercise of outside activities, in particular those relating to membership of a Board of Directors shall remain in force until their expiry date.

² The employment conditions for professors of the Department of Architecture who took up office at ETH Zurich before 1 February 2017 remain unchanged. However, any outside activities in their own or any architectural office, respectively, have to be formally approved by the Executive Board.²⁰

Article 12 Implementation

The Appointments Office²¹ of the President is responsible for informing all existing and new professors of ETH Zurich as defined in Article 1 of these Guidelines.

Article 13 Effective Date

These Guidelines shall take effect on 1 March 2008.

Zurich, 12 February 2008

On behalf of the Executive Board

President: Eichler
Representative: Bretscher

²⁰ Version as per Decision of the ETH Zurich Executive Board of 10 January 2017, in force since 1 February 2017

²¹ Now Office for Faculty Affairs