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# Guidelines concerning conflicts of interest and conflicts of commitment in connection with outside activities of professors and other employees of ETH Zurich

Dated 1 January 2022

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The Executive Board of ETH Zurich,

pursuant to Article 6 of the Ordinance of the ETH Board for professors at the Federal Institutes of Technology (ETH Professorial Ordinance)<sup>1</sup>[Verordnung des ETH-Rates über die Professorinnen und Professoren der Eidgenössischen Technischen Hochschulen (Professorenverordnung ETH)], Article 6 of the Instructions of the ETH Board of 28 March 2007 concerning outside activities of ETH Domain professors [Weisungen des ETH-Rates vom 28. März 2007 betreffend Nebenbeschäftigung von Professorinnen und Professoren im ETH-Bereich]<sup>2</sup>, Article 56 of the Ordinance of the ETH Board concerning personnel in the Swiss Federal Institutes of Technology Domain (Personnel Ordinance for the ETH Domain, ETH PO) [Verordnung des ETH-Rates über das Personal im Bereich der Eidgenössischen Technischen Hochschulen (Personalverordnung ETH-Bereich, PVO-ETH)]<sup>3</sup>, and Article 4, paragraph 1g of the Ordinance governing the organisation of ETH Zurich (ETH Zurich Organisation Ordinance, OO) dated 16 December 2003<sup>4</sup>, hereby issues the following guidelines:

## General Part

### Chapter 1: Basic Principles and Definitions

#### Art. 1 Basic principles

<sup>1</sup>Outside activities and other pursuits<sup>5</sup> that promote interaction between the professors, in particular, but also all other employees<sup>6</sup>, with society, public institutions and the economy are, in principle, desirable. They are permitted if

- a) there is **no conflict of commitment**, i.e. the outside activities are compatible with the employment obligations owed to ETH Zurich, and the discharge of duties at the university, and performance is not impaired or reduced;
- b) there is **no conflict of interest**, i.e. the outside activities do not result in a conflict of interest pursuant to Article 2 and, in particular, do not compromise independence in teaching and research.

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<sup>1</sup> SR 172.220.113.40: for English, please refer to RSETHZ 501en

<sup>2</sup> RSETHZ 501.1 (available in German only)

<sup>3</sup> SR 172.220.113 (available in German, French and Italian)

<sup>4</sup> Ordinance governing the organisation of ETH Zurich, OO (RSETHZ 201.021en)

<sup>5</sup> Cf. Article 6.2.

<sup>6</sup> At ETH Zurich, there are different legal bases, in part, for different categories of employees. Thus, for example, in addition to the Federal Personnel Act (FPA) [Bundespersonalgesetz (BPG)] and the Personnel Ordinance for the ETH Domain (ETH PO) [Verordnung des ETH-Rates über das Personal im Bereich der Eidgenössischen Technischen Hochschulen (Personalverordnung ETH-Bereich, PVO-ETH)], there is the ETH Professorial Ordinance (SR 172.220.113.40; for English please refer to RSETHZ 501en) for professors, the Ordinance governing scientific employees of the Swiss Federal Institute of Technology Zurich (SR 172.220.113.11; for English, please refer to RSETHZ 516.1) for scientific employees, and the Ordinance on doctoral studies for doctoral students (SR 414.133.1; for English, please refer to 340.31en). In these Guidelines, the term “employees” basically refers to all categories of employees, i.e. all employees (staff) of ETH Zurich including professors although, where appropriate, professors are deliberately mentioned in particular as being the most important category for the purposes of these Guidelines. In terms of personnel law, adjunct professors are not governed by the Professorial Ordinance, but are fully subject to the Personnel Ordinance for the ETH Domain (ETH PO), in particular Article 56 of the ETH PO, and the Ordinance governing scientific employees of the Swiss Federal Institute of Technology Zurich (SR 172.220.113.11; for English, please refer to RSETHZ 516.1).

<sup>2</sup>As part of the culture of enablement and trust at ETH Zurich, it is expected that professors and all other employees conduct a critical review of their outside activities on an ongoing basis for potential conflicts within the meaning of paragraph 1 (personal responsibility).

<sup>3</sup>Potential conflicts within the meaning of paragraph 1 must be reported in advance and as soon as they are discovered to the respective offices in accordance with Chapter 3.1 of these Guidelines (self-declaration requirement).

## **Art. 2 Conflict of interest and reputational risk**

<sup>1</sup>In the case of certain pursuits and outside activities, in particular where executive and operational mandates are exercised in for-profit organisations (such as by acting as member of a board of directors or exercising executive management functions, for example), there is a particular reputational risk for ETH Zurich because a circumstance, or an activity, or an omission by the company or its responsible governing bodies can indirectly, through mandate holders employed at ETH Zurich, reflect on ETH Zurich and damage its credibility and its reputation.

<sup>2</sup>Employees with a high level of responsibility and a great deal of freedom to make decisions, such as professors (including adjunct professors) as well as scientific and administrative-technical employees in senior functions (particularly function level 12 and higher), are expected to be particularly conscientious and careful in dealing with potential conflicts of interest in the case of outside activities since, by virtue of their position, they contribute in a special way to the public perception of ETH Zurich.

<sup>3</sup>There is a conflict of interest if the personal interests or circumstances of employees could affect their professional judgment, conduct or decisions at ETH Zurich. Examples of potential conflicts of interest are set out in Appendix 2 (Assessment criteria).

<sup>4</sup>If a conflict of interest in connection with the exercise of an outside activity cannot be ruled out, this outside activity requires approval pursuant to Article 6 of the Professorial Ordinance and Article 56, paragraph 3 of the ETH PO (cf. Article 11 of these Guidelines).

<sup>5</sup>In the case of part-time employment, the provisions of Article 2 of these Guidelines also apply in the event of potential conflicts of interest with ETH Zurich that arise from other employment contracts and/or outside activities in connection with other employment contracts.

## **Art. 3 Impaired performance (conflict of commitment)**

<sup>1</sup>As a rule, the working hours agreed with ETH Zurich by contract are to be used to perform employment duties at ETH Zurich.

<sup>2</sup>An outside activity must not impair the performance of employees in their employment relationship. As employer, ETH Zurich is entitled to expect its professors<sup>7</sup> and all other employees to devote their entire working energy to ETH Zurich if they are employed full time.

<sup>3</sup>Professors are entitled, within the scope of their full-time employment, to exercise activities outside ETH Zurich to the extent of one working day per week, provided that these activities are related to their professorship and do not represent any conflict of commitment.<sup>8</sup>

<sup>4</sup>All employees are entitled to engage in outside activities provided that, if their position is full time, the time spent does not exceed a full workload by 10%.

<sup>5</sup>Outside activities that result in impaired performance require approval and may possibly result in a reduction in the existing level of employment (cf. Article 11).

<sup>6</sup>The provisions of Article 3 of these Guidelines apply *mutatis mutandis* to part-time positions. Several part-time employment positions must not exceed a workload of 100% in total. The time spent on employment and outside activities must not exceed 110%.

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<sup>7</sup> Subject to the following paragraph, based on Article 6, paragraph 2 of the ETH Professorial Ordinance (SR 172.220.113.40; RSETHZ 501en).

<sup>8</sup> The provisions pursuant to Article 6, paragraph 2 of the Professorial Ordinance do not apply to adjunct professors. In terms of personnel law, adjunct professors are completely governed by the ETH Personnel Ordinance (ETH PO), in particular Article 56 of the ETH PO, and by the Ordinance governing scientific employees of the Swiss Federal Institute of Technology Zurich (SR 172.220.113.11; RSETHZ 516.1).

## Chapter 2: Purpose and scope

### Art. 4 Purpose

<sup>1</sup>The purpose of these Guidelines is to raise awareness among professors and other employees of ETH Zurich about potential conflicts that could arise in connection with outside activities and other pursuits.

<sup>2</sup>They specify the conditions for the exercise of outside activities and the applicable basic principles such as, in particular, the requirement to report such activity by means of self-declaration as part of the personal responsibility applicable at ETH Zurich and the principle of subsidiarity.

<sup>3</sup>They govern and specify the details with respect to the reporting and approval process for outside activities, particularly the duties and responsibilities of the parties involved in implementing Article 6 of the Professorial Ordinance and Article 56 of the ETH PO.

### Art. 5 Personnel scope of application

<sup>1</sup>These Guidelines apply to all professors within the meaning of Article 1 of the ETH Zurich Professorial Ordinance and to all other employees of ETH Zurich (including adjunct professors) who exercise outside activities.

<sup>2</sup>Due to the public perception of the title of professor at ETH Zurich, holders of dual professorships are also subject to these Guidelines, even if ETH Zurich is not their home institution.

<sup>3</sup>Due to their title, there is also the risk, in the case of professors emeritus of ETH Zurich, of damage to the reputation of ETH Zurich. In these cases, corresponding rules will be agreed by contract, as far as is possible and reasonable.

<sup>4</sup>These Guidelines do not apply to members of the Executive Board of ETH Zurich or to professors who are members of the executive boards of the research institutes. These persons are subject to Article 56a of the ETH PO as well as to the Guidelines of 26 September 2012 of the ETH Board with respect to outside activities carried out by members of the Executive Board and the executive boards of the research institutes<sup>9</sup>.

<sup>5</sup>For the purpose of these Guidelines, a distinction is made between the following categories of groups of persons:

- Category 1: Professors and adjunct professors
- Category 2: Scientific employees at function level 12 and higher<sup>10</sup>
- Category 3: Scientific employees at function level 11 and lower
- Category 4: Administrative employees<sup>11</sup> at function level 12 and higher
- Category 5: Administrative employees at function level 11 and lower

### Art. 6 Material scope of application

<sup>1</sup>Outside activities within the meaning of these Guidelines include the paid or unpaid activities referred to in Article 56 of the ETH Zurich PO and Article 6 of the Professorial Ordinance exercised outside ETH Zurich by an employee in their own name and on their own account, in particular

- a. functions in the upper governing bodies of legal entities such as boards of directors and foundation boards or executive management;
- b. advisory mandates;
- c. teaching commitments outside ETH (for example, in a continuing education course of studies at another university) and research activities;
- d. public offices (political mandates), cf. Article 7;

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<sup>9</sup> RSETHZ 501.2en

<sup>10</sup> With the exception of adjunct professors

<sup>11</sup> Employees in the function types administrative, technical, IT, staff and management in accordance with the ETH Domain job function grid

- e. affiliations with other universities in Switzerland or abroad, except for dual professorships.

<sup>2</sup>The exercise of other pursuits such as, in particular,

- a. involvement in committees of funding institutions such as SNF, InnoSuisse, EU research programmes;
- b. involvement in expert commissions of cantonal or federal authorities and international bodies;
- c. *ex officio* mandates that are carried out in accordance with Article 7b in the “participation monitoring” process;
- d. activity as an expert in specialist examinations (final apprenticeship examinations/vocational baccalaureates);
- e. involvement in the publication of scientific or other specialised journals,

is not considered to constitute an outside activity within the meaning of these Guidelines. Reporting the activity is nevertheless required (cf. Article 8 et seq.) since even it can result in potential conflicts of interest or impaired performance (conflicts of commitment).

<sup>3</sup>The exercise of the following activities is not considered to be the exercise of an outside activity within the meaning of these Guidelines and is not subject to the reporting requirement, provided that there is no conflict of commitment or conflict of interest as defined in Articles 2 and 3:

- a. involvement in scientific and university committees;
- b. attendance at and organisation of scientific conferences;
- c. review activity for university or university-related tasks;
- d. activity as an expert in specialist examinations as co-examiner;
- e. co-ordination, management and teaching activity as part of the range of continuing education courses at ETH Zurich and with the participation of ETH Zurich;
- f. work as assistants for exam preparation courses;
- g. involvement in governing bodies of associations active in a closely related field.

## Art. 7 Definitions

- a. Public office (political mandate): Any person who is a member of a (legislative, executive or judicial) federal, cantonal, municipal authority, or who performs duties for a public school or a publicly recognised church founded in public law (sovereign duties) holds a public office<sup>12</sup>.
- b. *Ex officio* mandates: Board of director mandates and foundation board mandates (including representation on the PUBLICA board of directors or parity commission) that are performed on behalf of ETH Zurich or through a decision by the ETH Executive Board pursuant to Article 13 of the Directives of the ETH Domain on Participation [Beteiligungsweisungen ETH-Bereich]<sup>13</sup> figure among the list of duties of a professor or an employee. These mandates are managed in the “participation monitoring” process (VPFC domain)<sup>14</sup>.

# Chapter 3: Reporting and Approval Process

## 3.1 Reporting requirement (comprehensive self-declaration)

### Art. 8 Purpose

<sup>1</sup>The reporting requirement helps to document outside activities and other pursuits in order to detect any conflicts of interest and/or conflicts of commitment and reputational risks to ETH Zurich at an early stage. Its purpose is to provide transparency in relation to ETH Zurich and to protect all involved.

<sup>12</sup> Leave may be granted for the exercise of public offices (Article 52, paragraph 2o of the ETH PO).

<sup>13</sup> RSETHZ 414. (available in German only)

<sup>14</sup> ETH Zurich has taken out directors and officers (D&O) liability insurance for these functions.

<sup>2</sup>The report must be given to the responsible office (cf. Article 10), prior to starting any outside activity, on the appropriate form or in accordance with the applicable process (self-declaration). The reports are reviewed annually and updated.

<sup>3</sup>If, due to a change of circumstances, a conflict of interest arises only after the outside activity is started, the disclosure must be made immediately upon discovery of the conflict of interest (self-declaration).

### **Art. 9 Personnel and material scope of application**

<sup>1</sup>The reporting requirement applies to all groups of persons specified in Article 5 of these Guidelines.

<sup>2</sup>Employees in categories 3 and 5 with a level of employment of less than 80% are exempt from the reporting requirement, provided that conflicts of interest and/or conflicts of commitment can be ruled out and the reputation of ETH Zurich is not at risk (cf. Articles 2 and 3, paragraph 5 in each).

<sup>3</sup>Outside activities that are paid and other pursuits within the meaning of Article 6 of these Guidelines are subject to the reporting requirement in all cases.

<sup>4</sup>Outside activities that are not paid and other pursuits are subject to the reporting requirement if conflicts of interest and/or conflicts of commitment cannot be ruled out and could harm the reputation of ETH Zurich.<sup>15</sup>

### **Art. 10 Responsibilities**

<sup>1</sup>The responsibilities in relation to the reporting requirement differ depending on the category of groups of persons (cf. Art. 5 Personnel scope of application) and are defined in the Appendix.

<sup>2</sup>Employees must disclose to their supervisors any changes to approved or reported outside activities, without having to be asked. The disclosure must be made in accordance with the corresponding process of the VPPL (Vice President of Personnel Development and Leadership).

<sup>3</sup>*Ex officio* mandates are managed through participation monitoring and are updated annually.

## **3.2 Requirement for approval: Implementation of Article 6 of the Professorial Ordinance and Article 56 of the ETH PO**

### **Art. 11 Basic principle**

<sup>1</sup>The exercise of outside activities within the meaning of Article 6, paragraph 1 of these Guidelines requires approval if one or more of the following circumstances apply:

- a. the outside activity involves acting as a member of a board of directors or exercising an executive management function in a company;
- b. there is a risk of a conflict of interest with ETH Zurich and/or a risk of harming the reputation of ETH Zurich due to the type of activity (for example, function as a National Councillor, member of a foundation board, or similar);
- c. it is planned that the infrastructure or staff of ETH Zurich be used on an exceptional basis;
- d. in the case of employees in category 1 (not including adjunct professors<sup>16</sup>), the time spent by a full-time employee on all related outside activities exceeds, in total, one working day per week;
- e. the outside activities occupy the employees of categories 1-5 to an extent that can reduce their performance in their employment relationship with ETH Zurich (conflict of commitment).

<sup>2</sup>As a rule, approval to act as chair of a board of directors or to exercise an executive management function can only be granted in justified cases, if necessary with a reduction in the level of employment<sup>17</sup>.

<sup>15</sup> Article 56, paragraph 2 ETH PO.

<sup>16</sup> Cf. Article 3, paragraph 3 and footnote to the same.

<sup>17</sup> A reduction in workload can solve a conflict of commitment but not any conflict of interest that might exist in addition.

<sup>3</sup>While activities that are paid and unpaid for non-profit associations and foundations, as well as activities as defined in Article 6, paragraph 2 (such as involvement with SNF and governing bodies of InnoSuisse), are subject to the reporting requirement, they usually do not require approval.

#### **Art. 12 Personal responsibility/Reduction in the level of employment**

<sup>1</sup>All employees in categories 1-5 are required to evaluate their outside activities with regard to compliance with the discharge of their contractual employment obligations as well as any potential conflicts of interest and risks to the reputation of ETH Zurich.

<sup>2</sup>A reduction in the level of employment must be agreed (if possible and reasonable) in cases in which the time required for the outside activities exceeds 10% of a 100% workload. The same applies *mutatis mutandis* to part-time employees.

<sup>3</sup>In the case of employees in category 1 (not including adjunct professors), a reduction in the level of employment must be agreed (if possible and reasonable) in cases in which the time required for the related outside activities exceeds, in total, one day per calendar week based on an annual average.

### **3.3 Approval process**

#### **Art. 13 Request for approval**

The request for approval of an outside activity is made in accordance with the defined process, using the appropriate form, which must be submitted to the responsible reporting offices in accordance with Article 10, and provides information about the following points:

- a. name and position of the person making the report;
- b. nature and duration of the outside activity;
- c. anticipated time commitment for the outside activity pursued;
- d. start and anticipated duration of the outside activity pursued (for example, term of office on a board of directors);
- e. information on remuneration (paid or unpaid);
- f. in the case of public offices or political mandates, information as to whether and to what extent paid leave will be requested (in accordance with Article 52, paragraph 2o of the ETH PO);
- g. any financial interest that the person making the request has in the company;
- h. activity of the company;
- i. existing collaboration/ongoing projects with the company and personal and/or professional connections with same;
- j. any use of resources or infrastructure of ETH Zurich to exercise the outside activity;
- k. assessment of any potential risk to the reputation and financial interests of ETH Zurich and measures to exclude or minimise these;
- l. assessment with respect to any conflict of commitment and conflict of interest;
- m. justification for exercising the outside activity;
- n. list of all outside activities carried out at the moment.

#### **Art. 14 Approval authorities**

<sup>1</sup>The following offices decide with respect to requests that require approval pursuant to Article 11, paragraph 1 in consultation with office of Personnel Development and Leadership and, if need be, Legal Office<sup>18</sup>:

- a. the Executive Board for requests made by professors within the meaning of Article 1, Article 20 and Article 20a of the Professorial Ordinance, as well as those made by adjunct professors;

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<sup>18</sup> On this, cf. also the overview in Appendix 3.

- b. the Executive Board for requests made by members of categories 2 and 4 in accordance with Article 12, paragraph 1e of the Rules of Procedure of the Executive Board of ETH Zurich [Geschäftsordnung der Schulleitung der ETH Zürich];
- c. the department heads for requests made by employees of categories 3 and 5 in the departments;
- d. the responsible member of the Executive Board for requests made by employees in categories 3 and 5 in the central administrative units and the extra-departmental units.

<sup>2</sup>The approval authority has the following duties and powers:

- to issue, deny, modify and revoke approvals in accordance with the assessment criteria contained in Appendix 2. The party that made the request is notified in writing. Reasons must be provided for any negative decisions;
- to grant paid leave for an employee to exercise a public office and to make a decision about any reduction in the level of employment;
- to decide on the request with respect to any use of ETH infrastructure in connection with the outside activity (cf. Article 17).

<sup>3</sup>The approval authority will ensure

- that the employee is informed about the decision;
- that the approval, or its denial or revocation, is documented.

## Special Part

### Chapter 4: Supplementary Provisions

#### Art. 15 Reporting requirement

<sup>1</sup>All employees update their outside activities within the framework of the existing processes using defined procedures and/or documents.

<sup>2</sup>The Vice-President for Personnel Development and Leadership reports to the Executive Board annually in aggregated form about the nature and number of outside activities.

#### Art. 16 Use of infrastructure of ETH Zurich

<sup>1</sup>The use of infrastructure for outside activities is only possible on an exceptional basis and following approval. If infrastructure of ETH Zurich, in particular laboratory or workshop facilities, apparatuses and instruments, are used for the exercise of outside activities, employees will be charged a percentage of the annual net income<sup>19</sup> generated from these outside activities. This is usually 5% to 15% and is based on the extent of the use.

<sup>2</sup>The use of staff is prohibited. Minor supporting activities (schedule co-ordination, etc.) remain reserved.

<sup>3</sup>The Accounting department monitors receipt of payments and reports any outstanding payments to the Vice President for Finance and Controlling. Payments received are credited to the cost centre of the professor concerned or his/her department.

#### Art. 17 Spin-off companies<sup>20</sup>

<sup>1</sup>Employees who intend to found and/or (co-)found spin-off companies must respect the principles of these Guidelines. They shall take particular care to avoid any conflicts of interest between their involvement in the company and their activity at ETH Zurich, and shall disclose any conflicts of interest to the Vice President of Knowledge Transfer and Corporate Relations at all times.

<sup>2</sup>Any use of premises, equipment and intangible assets of ETH Zurich by a spin-off company requires a contractual agreement in accordance with the applicable spin-off guidelines.

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<sup>19</sup> These cases are subject to an appropriate disclosure obligation.

<sup>20</sup> These Guidelines take precedence over any applicable guidelines governing spin-offs.

<sup>3</sup>Any assumption of chair of a board of directors or exercise of an executive management function in a spin-off must be limited to its start-up phase (usually three years) and is subject to the reporting requirement and requirement for approval in accordance with these Guidelines.

<sup>4</sup>In all other respects, the Spin-off guidelines<sup>21</sup> as amended from time to time shall apply.

#### **Art. 18 Obligation to deliver up payment**

<sup>1</sup>Subject to a different arrangement in an individual case, and in particular in the case of *ex officio* mandates, there is usually no obligation to deliver up payment from outside activities.

<sup>2</sup>Any expenses or travel undertaken for an outside activity are not subject to the expense regulations of ETH Zurich [Spesenreglement der ETH Zürich].

#### **Art. 19 Sanctions**

Violations of these Guidelines may result in sanctions pursuant to personnel law, such as a caution, or they may result in investigations pursuant to Article 58-58b of the Personnel Ordinance for the ETH Domain dated 15 March 2001<sup>22</sup> in conjunction with Article 36 of the Professorial Ordinance.

#### **Art. 20 Enforcement**

The Vice President for Personnel Development and Leadership is responsible for enforcement of these Guidelines. It defines the relevant processes and implements them.

#### **Art. 21 Transitional provisions**

For outside activities approved under previous law prior to the effective date of these Guidelines, the conditions set out in the approval shall apply until renewal of the approval or a change of circumstances.

#### **Art. 22 Effective date**

These Guidelines shall enter into effect on 1 January 2022 and supersede the Guidelines concerning Outside Activities of ETH Zurich Professors dated 12 February 2008 (RSETHZ 501.2en).

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<sup>21</sup> RSETHZ 440.5en

<sup>22</sup> SR 172.220.113 (available in German, French and Italian)



## Appendices

- Appendix 1: Overview of the applicable overriding legal bases concerning outside activities
- Appendix 2: Assessment criteria for outside activities that require approval
- Appendix 3: Categories of employees with duties and responsibilities concerning outside activities
- Appendix 4: Conflict of interest and conflict of commitment checklists
- Appendix 5: Decision tree

Date: 23 June 2021

On behalf of the Executive Board:

President: Joël Mesot

Secretary General: Katharina Poiger Ruloff

## Appendix 1

### *Appendix to the Guidelines concerning conflicts of interest and conflicts of commitment in connection with outside activities of professors and other employees of ETH Zurich*

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#### Overview of the overriding legal bases concerning outside activities by professors and all other employees

<p>Professors (category 1 for these Guidelines)</p>	<p>Full, associate and assistant professors, dual professors as well as affiliated professors pursuant to Article 20a of the Professorial Ordinance are, by virtue of their position, their function and, in terms of public perception, particularly connected to ETH Zurich and exposed, and the credibility and reputation of ETH Zurich is closely linked to theirs. The professors are subject to the following overriding provisions:</p> <ol style="list-style-type: none"> <li>a. Article 20 of the Federal Personnel Act (FPA);</li> <li>b. Article 6 of the Ordinance of the ETH Board concerning Professors at the Swiss Federal Institutes of Technology (ETH Professorial Ordinance); as well as</li> <li>c. Instructions of the ETH Board concerning outside activities of ETH Domain professors</li> </ol>
<p>Adjunct professors (category 1 for these Guidelines)</p>	<p>Adjunct professors are subject to:</p> <ol style="list-style-type: none"> <li>a. Article 20 of the Federal Personnel Act (FPA);</li> <li>b. Article 56 of the Personnel Ordinance for the ETH Domain (ETH PO); as well as</li> <li>c. The general provisions of the Ordinance concerning Scientific Staff at ETH Zurich.</li> </ol> <p>Due to the public perception of the title of professor, adjunct professors are, with respect to outside activities, also subject to the applicable provisions governing professors, unless expressly provided for otherwise in these Guidelines. This includes participating in the reporting process of ETH Zurich, which provides for a comprehensive reporting requirement for outside activities as well as other activities pursuant to Article 6 of these Guidelines.</p>
<p>Scientific staff with a permanent position</p>	<p>Scientific staff with a permanent position are subject to:</p> <ol style="list-style-type: none"> <li>a. Article 20 of the Federal Personnel Act (FPA);</li> <li>b. Article 56 of the Personnel Ordinance for the ETH Domain (ETH PO); as well as</li> <li>c. The general provisions of the Ordinance concerning Scientific Staff at ETH Zurich.</li> </ol>
<p>Scientific staff with a limited term of employment</p>	<p>The provisions of the Ordinance concerning Scientific Staff at ETH Zurich and Article 20 of the Federal Personnel Act (FPA) as well as Article 56 of the ETH PO apply for scientific staff with a limited term of employment pursuant to Article 17b of the ETH Act. These persons are entitled to 15 days of leave per calendar year (Article 52, paragraph 2o of the ETH PO) for the exercise of public offices.</p>
<p>All function levels of employees in the central administrative units</p>	<p>Employees of ETH Zurich of all function levels who work in the central administrative units in accordance with Article 17 et seq. OO (departments and staff units) are subject to Article 20 of the Federal Personnel Act as well as Article 56 of the ETH PO. These persons are entitled to 15 days of leave per calendar year (Article 52, paragraph 2o of the ETH PO) for the exercise of public offices.</p>
<p>Employees of the extra-departmental units pursuant to Article 61 of the OO</p>	<p>Employees of ETH Zurich at all function levels who work in the extra-departmental units pursuant to Article 61 of the OO (for example, CSCS, SED), are subject to Article 20 of the Federal Personnel Act as well as Article 56 of</p>

the ETH PO.

These persons are entitled to 15 days of leave per calendar year (Article 52, paragraph 2o of the ETH PO) for the exercise of public offices.

Technical administrative staff in the departments

Technical administrative employees of ETH Zurich at all function levels who work in the departments are subject to Article 20 of the Federal Personnel Act as well as Article 56 of the ETH PO.

These persons are entitled to 15 days of leave per calendar year (Article 52, paragraph 2o of the ETH PO) for the exercise of public offices.

## Appendix 2

*Supplement to the Guidelines concerning outside activities for professors and all other employees of ETH Zurich dated 1 January 2022*

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### Assessment criteria for outside activities that require approval

Criteria to assess whether or not an activity requires approval or whether or not it can be approved:

- Does the activity involve acting as a member of a board of directors or exercising an executive management function with a company?
- Does the content of the private activity represent a potential conflict of interest or a reputational risk in relation to the function at ETH Zurich?
- Will ETH Zurich infrastructure or staff be used?
- In the case of full employment, does the time spent exceed 10% of the workload (for all employees in categories 1-5) or one working day per week (for professors – excluding adjunct professors – as well as outside activities that are related to the professorship)?

*A risk of a conflict with the interests of the employer arises particularly if, as a result of the exercise of the outside activity, there is harm to the credibility or the reputation of ETH Zurich or the independence or the objectivity of the employed person, or the trust placed in them can be called into question (Article 20 FPA). If conflicts of interest and/or impaired performance cannot be ruled out in individual cases, the approval must be denied or the workload reduced. In this case, the principle of proportionality must be observed.*

#### Examples:

##### Reputational risk:

- An employee in a management function is active at the forefront of a public body that undermines the political or legal mandate of ETH Zurich.
- An employee is politically active and is always described by the media as an “ETH researcher”.

*Generally, ETH Zurich has to accept the extracurricular activities of its employees for a political pursuit even if it does not like the outside activity and other pursuits. However, this does not include outside activities and other pursuits that are incompatible with an employee’s work activity, that lead to conflicts of interest, or that seriously harm the image of the employer (for example, if management staff or professors are active in an extremist organisation and disseminate its slogans).*

##### Conflicts of interest:

- The outside activity is in connection with contracts that are carried out for ETH Zurich or that are to be awarded by ETH Zurich in the foreseeable future.
- An employee is involved in procurement at ETH Zurich and is a member of the board of directors of a company that acts as provider to ETH Zurich.
- A management officer at ETH Zurich decides to award a procurement contract to a company in which the officer sits on the board of directors.
- A professor has a private advisory mandate for a company while collaborating with the company on research.
- A professor sits on the board of directors of a company while collaborating with the company on research.

##### Impaired performance:

- Professors at ETH Zurich may be affiliated with a research institute. This affiliation is based on a contractual agreement between ETH Zurich and this institute, and is thus not problematic, in principle. Professors at ETH Zurich may also be connected in some other way with their previous employ-

er or another university/research institute. Under certain circumstances, these activities may give rise to conflicts of commitment to ETH Zurich.

- Under certain circumstances, external teaching commitments may be problematic due to reputational reasons or due to reasons relating to time constraints.
- An employee who is employed full time establishes their own company and plans their self-employment. In terms of time, the employee has a heavy workload (greater than 10%). Any such outside activities can only be approved if there is a reduction in the employee's level of employment, because the outside activity must not contravene the maximum permitted weekly working time of 45 hours.
- For employees who are on call or who work in shifts, the rest periods required by law must be taken into consideration for approval of an outside activity, which might also lead to a reduction in the employee's level of employment.
- A management officer has mandates for ETH Zurich (*ex officio*), duties on expert commissions and two board of director mandates in companies. The number of mandates must not have the effect of impairing the management duties of the management officer. In addition, board of director mandates can be time consuming, and board of director or foundation board mandates must be carried out carefully pursuant to company law or the Civil Code, otherwise the mandate will entail liability.

## Appendix 3

Appendix 3 describes the various categories of employees as well as the obligations and responsibilities in relation to outside activities.

Category	Employee group	Organisation	Reporting authority	Approval authority	Advice	Reporting process	Remark
0	Executive Board	Central administrative units	ETH Board	ETH Board	Staff of the ETH Board	XXX	Separate rules for members of the Executive Board
1	Professors (o.P., a.o.P., AP, APTT)	Department	Executive Board	Executive Board	Office for Faculty Affairs	AAA	Existing process, entry mandatory
1	Adjunct professors	Department	Supervisory professor	Executive Board	HR	AAA	Adjunct professors with an obligation to report in AAA (own cost centre) report their new reports in AAA. Adjunct professors without their own cost centre follow the ongoing process of the office of VPPL.
2	Scientific employees at function level 12 and higher in the department	Department	Supervisory professor	Executive Board	HR	ETHIS workflow	VPPL process
2	Scientific employees at function level 12 and higher in the central administrative units and extra-departmental units	Central administrative units and extra-departmental units	Responsible member of the Executive Board	Executive Board	HR	ETHIS workflow	VPPL process
3	Scientific employees at function level 11 and lower in the departments	Department	Supervisor	Head of department	HR	ETHIS workflow	VPPL process
3	Scientific employees at function level 11 and lower in the central administrative units and extra-departmental units	Central administrative units and extra-departmental units	Supervisor	Responsible member of the Executive Board	HR	ETHIS workflow	VPPL process
4	Admin. & technical employees at function level 12 and higher in the departments	Department	Supervisory professor	Executive Board	HR	ETHIS workflow	VPPL process
4	Admin. & technical employees at function level 12 and higher in the central administrative units and extra-departmental units	Central administrative units and extra-departmental units	Responsible member of the Executive Board	Executive Board	HR	ETHIS workflow	VPPL process
5	Admin. & technical employees at function level 11 and lower in the departments	Department	Supervisor	Head of department	HR	ETHIS workflow	VPPL process
5	Admin. & technical employees at function level 11 and lower in the central administrative units and extra-departmental units	Central administrative units and extra-departmental units	Supervisor	Responsible member of the Executive Board	HR	ETHIS workflow	VPPL process

## Appendix 4

Conflict of interest and conflict of commitment checklists – if any question applies, a conflict of interest or a conflict of commitment can be assumed.

### Conflict of interest

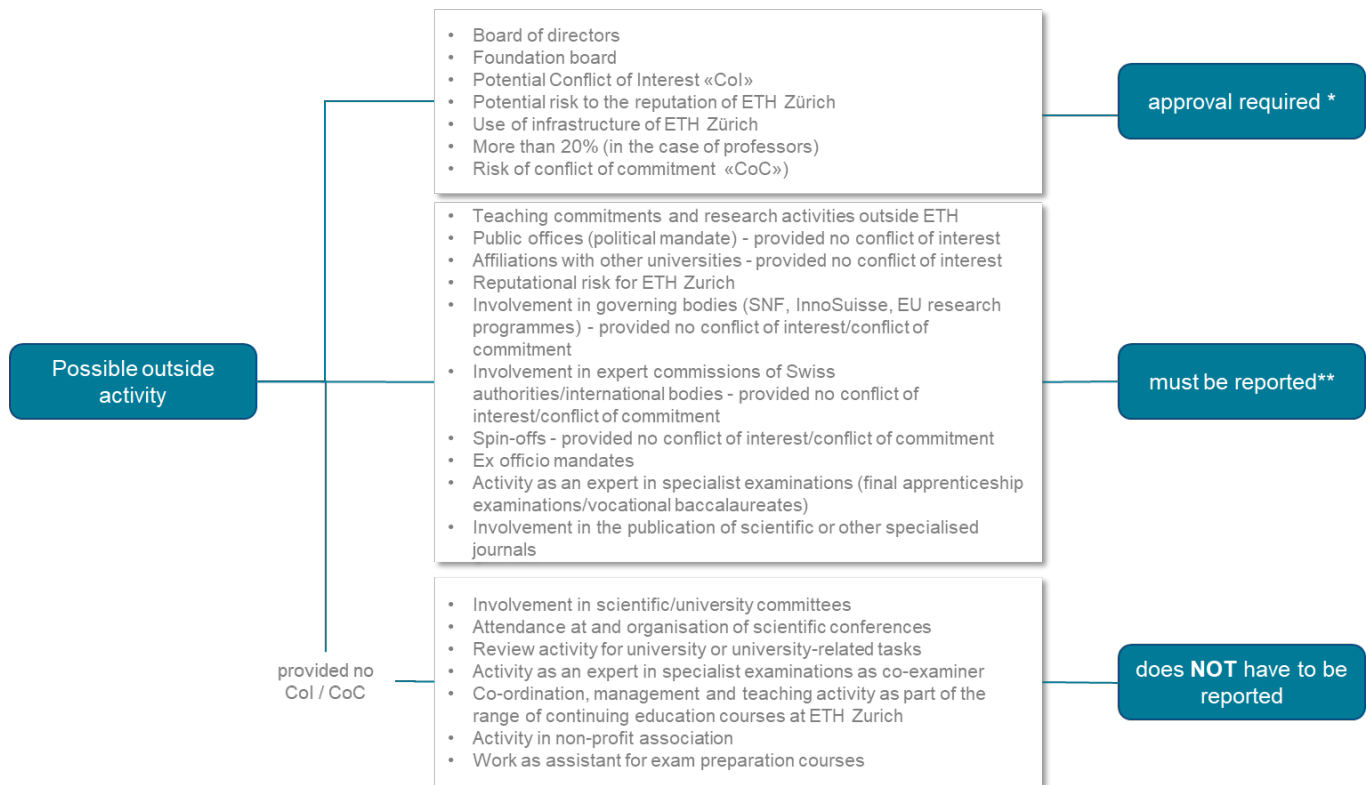
- Does the activity run counter to the credibility of ETH Zurich?
- Is the independence of the person employed at ETH Zurich or the trust placed in them at risk?
- Is the reputation of ETH Zurich affected as a result of their involvement?
- Will I lose my credibility in relation to my work at ETH Zurich as a result of my involvement?
- Will the activity affect my ability to work in my position at ETH Zurich?
- Is the activity connected to contracts that are carried out for ETH or that are to be awarded by ETH in the foreseeable future.

### Conflicts of commitment

- Does the involvement outside ETH conflict with the commitment to ETH Zurich?
- Does, for example, the extent of outside teaching commitments constitute a time challenge in relation to the obligations of the position at ETH Zurich?
- Does the time commitment of the involvement exceed the maximum weekly working time of 45 hours when combined with the position at ETH Zurich?
- Can the rest periods required by law be observed when exercising the various activities?
- Does the totality of all of the individual involvements result in a disadvantage in terms of the time required for the duties of the position at ETH Zurich?

## Appendix 5

### Decision tree outside activities



\* Outside activities that require approval are automatically included in the reporting process

\*\* If there is a conflict of interest/conflict of commitment, these outside activities require approval