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Ordinance of the ETH Board for professors at the Federal Institutes of Technology **(ETH Professorial Ordinance)**

Date: 18 September 2003 (Version 1 March 2017)

Approved by the Swiss Federal Council on 26 November 2003

The ETH Board,

pursuant to Article 37, Para. 3 of the Swiss Federal Personnel Law of 24 March 2000¹ (FPL),

Article 2 of the Framework Ordinance for the Swiss Federal Personnel Law of 20 December 2000² (Framework Ordinance FPL)

and Article 40a of the ETH Law of 4 October 1991³,

hereby orders as follows:

Part 1: General provisions

Art. 1 Subject and Scope

¹ This Ordinance regulates the conditions of employment of the following members of the ETH teaching staff (professors):

- a. full professors;
- b. associate professors;
- c. assistant professors.

² Professors with a contract of employment concluded under private law are subject to the Swiss Code of Obligations⁴.

³ The contract of employment concluded under private law shall incorporate those provisions of the FPL and of this Ordinance that also apply to professors employed under private law. The provisions of Articles 4–6 (rights and obligations) and 16

AS 2003 5033

- 1 SR 172.220.1
- 2 SR 172.220.11
- 3 SR 414.110
- 4 SR 220

(salaries) of this Ordinance shall apply analogously to professors employed under private law.

Art. 2 Competence

¹ The ETH President is responsible for decisions on issues relating to the employment of professors unless otherwise expressly regulated in this Ordinance.

² The ETH President is responsible for regulating the required details unless stipulated otherwise in this Ordinance.

Art. 3 Principles relating to the nomination of professors

¹ The two ETHs shall take the necessary steps to ensure that when nominating professors it recruits scientists from within and outside Switzerland whose education, research and services meet the highest, internationally recognised quality standards and who can guarantee continuity and excellence in teaching and research.

² They shall offer conditions of employment that can compete overall with those offered by the world's leading universities. They shall adhere to the principles of scientific freedom in both research and academic teaching.

³ They shall carry out a review at regular intervals to determine whether the objectives outlined in Para.1 and Article 4 FPL have been achieved and submit the results to the ETH Board.

Part 2: Rights and obligations of professors arising from the employment relationship

Art. 4 Principles

¹ Professors are responsible for teaching and research of international standing. They shall nurture a body of young scientists both in terms of their technical qualifications and with a sense of responsibility towards society and the environment.

² They shall provide a high-quality service and to this end shall work with private and public institutions. In so doing, they shall maintain their professional independence.

³ They shall support the periodic review of their performance by the Evaluation Commissions.

Art. 4a Performance appraisals

¹ The performance of full and associate professors is subject to regular appraisal. The appraisal shall determine whether professors have complied with the responsibilities specified in Article 5.

² Performance appraisals are based on the principles of fairness and transparency.

³ The results of performance appraisals may have an effect on the level of the endowment granted to a professorship.

⁴ The two ETHs shall decide the frequency and form of performance appraisals and how they are conducted. They shall submit a report on the results to the ETH Board.

⁵ The ETH Board shall monitor the discharge of the performance appraisals and the resultant actions as part of its audit process.

Art. 5 Specific duties

¹ Professors are responsible for the education of their students, encouraging their staff and catering for their further training. They are responsible for supervising their doctoral students and shall make an active contribution to the design of teaching programmes.

² They are responsible for the conduct of the specified examinations. They shall evaluate the scientific work submitted for their area of teaching and research.

³ They shall structure, direct and develop their professorship in line with the needs of the teaching and research unit to which they belong. They shall discharge their supervisory responsibilities.

⁴ They shall promote their particular discipline through high-quality, scientific research and take part in the critical dialogue conducted by the world's leading experts. They are responsible for the dissemination of research results and shall take proactive steps to exploit rights arising from their research activities.

⁵ They shall participate in academic self-governance.

Art. 6 Activities outside ETH

¹ Professors may carry out professional activities outside their employment with ETH in their own name, for their own account and at their own responsibility; in particular they may act as an expert provided that this does not have a detrimental effect on the discharge of their obligations as a result of their employment.

² Professors employed full time shall obtain approval from the ETH President for activities outside ETH that exceed one working day.

³ Professors shall obtain approval from the ETH President before taking up membership of a Board of Directors or Executive Management of a company. Approval is granted provided it is not contrary to the interests of ETH.

⁴ If professors use their resources such as laboratory equipment and secretarial support for paid activities outside ETH, a charge is due to ETH. The two ETHs shall issue the required regulations.

Part 3:
Commencement, amendment and termination of employment relationship

Art. 7 Nomination of professors

¹ The ETH Board shall nominate professors on receipt of an application from the ETH President.

² The following documents shall be appended to the application:

- a. a report on the candidate;
- b. a report on the selection process;
- c. a copy of the draft contract of employment following the pre-negotiations.

³ As a rule, the ETH President shall set up a committee to prepare the application. In exceptional cases, the application may be submitted to the ETH Board as a direct appointment.

Art. 8 Contract of employment

¹ Following their nomination, the ETH Board shall conclude a written contract of employment with the professor.

² The contract of employment shall include, in particular, the following:

- a. Outline of teaching and research area;
- b. Initial salary.

³ The contract of employment shall regulate any contribution by the employer to the purchase of benefits in PUBLICA, the Swiss Federal Pension Fund.

Art. 9 Term of employment

¹ Contracts of employment with full and associate professors are concluded for an unlimited term.

² Contracts of employments with assistant professors are concluded for a maximum of four years. A one-off extension of a further maximum of four years is admissible. In the event of maternity leave, the period of employment is extended by a maximum of one year.

³ There is no probationary period.

Art. 10 Assistant professors with the prospect of a permanent contract (tenure track)

¹ At the request of the ETH President, the ETH Board may give an assurance to an assistant professor at the time of nomination that he or she will be transferred to

permanent employment status (tenure track) provided that they achieve certain performance targets.

² The ETH Board shall nominate an assistant professor as defined in Para. 1 as a full or associate professor by no later than the end of the second term of employment provided his or her appraisal has demonstrated that performance targets have been met. In exceptional cases, the ETH Board may directly nominate an assistant professor to a position as full professor.

Art. 11 Promotion

¹ At the request of the ETH President, the ETH Board may promote an associate professor to full professor.

² The appraisal results shall be appended to this request.

³ The associate professor may apply to the ETH President for an appointment procedure to be initiated after a minimum of two years from the date of his or her nomination.

Art. 12 Termination of employment by the professor

¹ Professors may terminate their employment subject to due notice of six months.

² Notice shall be submitted in writing to the ETH President for the attention of the ETH Board.

Art. 13 Termination of employment by the ETH Board

¹ Pursuant to Article 10, Para. 3 FPL, the ETH Board may terminate the employment of a professor at the request of the ETH President subject to a notice period of six months.

² Prior to submitting the request, the President shall set up a committee to consider whether it is reasonable to terminate the employment and to issue a recommendation. The committee shall have a minimum membership of six, of which three may not be members of the ETH in question. Three of the six members are proposed by the Conference of Lecturers.

³ ...

⁴ Professors who are 58 years old on the effective date of the notice of termination but who have not yet reached the age limit specified in Article 21 of the Federal Law on old age and survivors' insurance (AHVG) [Bundesgesetz über die Alters- und Hinterlassenenversicherung] of 20 December 1946⁵ and have been in the employ of the ETH Domain for ten years, are entitled to a pension in accordance with the provisions of the Pension Plan Regulations for Professors in the ETH Domain (VR-ETH 2) of 3 December 2007⁶. This pension is calculated in the same way as a disability pension as specified in Article 57 VR-ETH 2. The ETH shall reimburse

⁵ SR 831.10

⁶ SR 172.220.142.2 – available in German only

the Swiss Federal Pension Fund the unfunded proportion of the pension on the date employment is terminated. The bridging pension is not funded by the employer.

Art. 13a Compensation

¹ Professors whose employment is terminated through no fault of their own are entitled to compensation.

² Compensation is a minimum of one month's and a maximum of one year's salary.

³ Particular regard is given to the following when calculating the compensation:

- a. reasons for departure;
- b. age;
- c. professional and personal situation;
- d. length of service;
- e. any re-employment by an employer as defined in Article 3 FPL.

⁴ A percentage of the compensation is repayable if the professor is employed by another employer as defined in Article 3 FPL within one year of the termination of his or her employment.

Art. 14 Retirement

¹ Professors shall retire at the end of the month in which:

- a. they reach the age limit specified in Article 21 of the Federal Law on old age and survivors' insurance (AHVG) [Bundesgesetz über die Alters- und Hinterlassenenversicherung] of 20 December 1946⁷; or
- b. the employment relationship is dissolved because of a disability.

² Professors may take early retirement if they are entitled to an age-related pension in accordance with VR-ETH 2.

³ The professor and the ETH President shall agree the retirement date and the relevant conditions in advance.

⁴ In exceptional and justified cases, the ETH Board may, at the request of the ETH President, agree to extend the employment of the professor beyond the age limit specified in Article 21 AHVG.

⁵ After their retirement, professors may give free lectures and use the general facilities of ETH. The ETH President may offer them teaching or other assignments and at their request make available rooms or other facilities.

Art. 15 Continued use of the title of professor

¹ At the request of the ETH President, the ETH Board shall decide whether in individual cases, full and associate professors may continue to use their title of ETH

⁷ SR 831.10

professor after they have left the ETH. This is only admissible if the professor was employed by ETH for at least six years. If it is in the interests of ETH, the ETH Board may deviate from this requirement.

² Assistant professors may not continue to use their title.

Part 4: Salaries and Allowances

Art. 16 Salaries

¹ The starting salary on nomination is between the minimum and maximum salaries for the relevant professorial category.

² The minimum and maximum salaries are as follows (as at 2015):

- a. for full professors 210,530 Swiss francs and 277,011 Swiss francs;
- b. for associate professors 180,070 Swiss francs and 246,550 Swiss francs;
- c. for assistant professors 149,574 Swiss francs and 216,056 Swiss francs.

³ The starting salary shall take reasonable account of professional experience, previous performance and conditions on the employment market.

⁴ In order to recruit full professors of a particular standing, the ETH Board may increase the salary in individual cases to a maximum of 115% of the maximum salary.

Art. 17 Salary increments

¹ Salary increments for full and associate professors are based on the performance appraisal specified in Article 4a.

² The ETH President is responsible for decisions on salary adjustments between the minimum and maximum limits specified in Article 16, Para. 2, Letters a) and b).

³ In individual cases, the ETH President may increase salaries to:

- a. a maximum of 110% of the relevant maximum in order to reward exceptional service by full and associate professors;
- b. a maximum of 125% of the maximum limit in order to retain full professors of particular standing.

⁴ The ETH Board is informed of any salary increases awarded under Para. 3.

⁵ The salary of assistant professors is increased annually by one-twelfth of the difference between the minimum and maximum salary specified in Article 16, Para. 2, Letter c.

Art. 18 Changes to the salary scale

For changes to the salary scale, Article 28 of the Personnel Ordinance for the ETH Domain (PO-ETH) of 15 March 2001⁸ shall apply analogously.

Art. 19 Service allowances

¹ The ETH Board may award allowances to professors who exercise managerial functions with decision-making powers at ETH. The allowances may not exceed 15% of the maximum sum specified in Article 16, Para. 2.

² The ETH President may award allowances to professors who have additional responsibilities, e.g. management of teaching and research units, management of major projects or chairing major committees. The allowances may not exceed the service allowance for a Vice President of ETH.

³ Service allowances are not subject to cost of living increments.

Art. 20 Dual professorships

At the request of the ETH President, the ETH Board shall agree the salary and other employer benefits for professors who lecture at several teaching establishments and in so doing shall take account of obligations outside ETH.

Art. 20a Affiliated professors

¹ On application of the ETH President and within the scope of an institutional cooperation agreement in accordance with Art. 3, Paras. 1 and 2 of the ETH Act, the ETH Board shall be able to appoint as affiliated professors academics of Swiss and foreign nationality who work at Swiss or foreign research institutions outside the two Federal Institutes of Technology.

² Affiliated professors shall mainly work at their home institutions and, in addition, work at the ETH for a limited number of hours. They shall have the status of full professors pursuant to Art. 1, Para. 1 Letter a of this Ordinance.

³ For this purpose, the ETH Board shall conclude an employment agreement under private law with affiliated professors, such agreement to govern individual rights and obligations having regard to Art. 1, Para. 1, Letter a of this Ordinance.

⁴ When an affiliated professor's cooperation or employment agreement with his or her home institution is terminated, his or her employment agreement with the ETH Board shall also be terminated.

Art. 21 Reimbursement of expenses

¹ Professors are entitled to the reimbursement of expenses incurred during their professional activities. The Ordinance of the ETH Board of 11 April 2002⁹ on the reimbursement of expenses in the ETH Domain shall apply.

⁸ SR 172.220.113

⁹ SR 172.220.113.43 – only available in German

² The ETH may reimburse the cost of transporting the household effects of newly nominated professors if relocation is required for professional reasons.

Art. 22 Court fees and judicial proceedings

¹ The ETH shall reimburse court fees and judicial costs if professors are involved in civil, administrative or criminal proceedings resulting from their professional activities or if they instigate such proceedings for legitimate reasons subject to the following conditions:

- a) the ETH has an interest in bringing the proceedings and
- b) professors are not guilty of gross negligence or acted with intent.

² Whilst the case is pending, ETH only guarantees an advance to cover costs.

Part 5: Holidays and absence

Art. 23 Sabbatical leave

¹ Professors are entitled to a sabbatical of six months on full pay or twelve months on part pay within any seven-year period of employment.

² Professors must submit a request to the ETH President.

³ The decision on whether to grant the request is based on previous performance and the guaranteed availability of a qualified substitute.

Art. 24 Unpaid leave

The ETH President may grant professors unpaid leave provided this is not counter to the interests of ETH.

Art. 25 Absence

¹ The head of the teaching and research unit to which the professor belongs shall be notified of any absence in excess of one week during a semester on the grounds of illness or accident.

² Prior approval from the head of the teaching and research unit to which the professor belongs is required for any absence in excess of one week during a semester on other grounds.

Part 6: Continued payment of salary and family and care allowances

Art. 26 Payment of salary in the event of illness or accident

¹ Professors are entitled to payment of their full salary for a maximum of 730 days if they are unable to work because of illness or accident.

² This salary entitlement is reduced in the event of the reasons specified in statutory or case law relating to health and accident insurance.

³ An examination by a medical officer may be ordered in order to assess the professor's inability to work.

⁴ Insurance benefits paid by obligatory insurers are deducted from this amount.

Art. 27 Payment of salary in the event of maternity

Female professors are entitled to four months' maternity leave on full pay.

Art. 28 Payment in the event of military service, civil defence service and alternative civil service

¹ In the case of absence due to obligatory Swiss military or civil defence service and during any alternative civil service, professors are entitled to the continued payment of their full salary.

² In the case of voluntary service, salary is paid for a maximum of ten working days per year.

³ ETH is entitled to receive the statutory compensation payable for loss of income.

⁴ Care allowances are paid in full.

Art. 29 Benefits in the event of an occupational accident

¹ In the event of a disability resulting from an occupational accident or an equivalent occupational disease, the entitlement is as follows:

- a. total inability to work: 100% of relevant salary until death;
- b. partial inability to work: a percentage of the relevant salary corresponding to the level of disability as defined in the Federal Law of 20 March 1981¹⁰ on accident insurance [Bundesgesetz über die Unfallversicherung] until death.

² Payments from obligatory insurance are deducted from this amount.

Art. 30 Payment of salary in the event of death

¹ If a professor dies, surviving dependents are entitled to a sum equal to one-sixth of his or her annual salary.

¹⁰ SR 832.20 – available in German only

² Any person cohabiting with the deceased for a continuous period of five years before his or her death is classed as a surviving dependent.

³ Any allowance paid for the support of a close relative as specified in Article 31*b* is payable in equal measure.

Art. 31 Entitlement to family allowances

¹ Family allowances are paid until the end of the month in which a child reaches 16 years of age.

² For a child still in education, family allowances are payable at the latest until the end of the month in which the child reaches 25 years of age.

³ If a child is unfit for work (Art. 7 of the Federal Law of 6 October 2000¹¹ on General Social Insurance Provision [Bundesgesetz über den Allgemeinen Teil des Sozialversicherungsrechts]), family allowances are payable at the latest until the end of the year in which the child reaches 20 years of age.

⁴ Family allowances are index-linked for inflation.

Art. 31a Supplementary benefits in addition to family allowances

¹ The professor is entitled to supplementary benefits in addition to family allowances if the latter is less than the following sum per annum:

- a. 4458 Swiss francs for the first eligible child;
- b. 2878 Swiss francs for each additional eligible child;
- c. 3253 Swiss francs for each additional eligible child who is already 16 years of age but is still in education or is unfit for work.

² The supplementary benefit payable is the difference between the relevant sums as specified in Para. 1 and the minimum rates specified in the Federal Law on family allowances of 24 March 2006 (FamZG).¹² In this respect the following count towards family allowances:

- a. any claim for family allowances by another person for the same child in accordance with the FamZG;
- b. any claim to a different employer or other competent body made by the professor or other person and relating to the same child for the payment of family, child, education or care allowances.

³ Professors with a contracted level of activity of less than 50% are not entitled to supplementary benefits.

⁴ Supplementary benefits payable in addition to family allowances are index-linked for inflation.

¹¹ SR 830.1 – available in German only

¹² SR 836.2 – available in German only

Art. 31b Allowance for the support of a close relative

¹ 50% of the allowance specified in Article 31a Para. 1, Letter b) can be paid to professors whose wife, husband or registered partner is permanently unfit for work because of serious illness.

² This allowance for the support of a close relative is index-linked for inflation.

Part 7: Occupational pension scheme**Art. 32**

¹ Professors are insured with PUBLICA in accordance with the provisions of the FPL and the PUBLICA Law of 20 December 2006¹³.

² Professors shall disclose the following:

- a. leaving benefits;
- b. early withdrawals pursuant to the Ordinance of 3 October 1994¹⁴ on encouraging the use of vested pension accruals for home ownership [Verordnung über die Wohneigentumsförderung mit Mitteln der beruflichen Vorsorge];
- c. benefits resulting from a divorce (Article 22, Letter c) of the Federal Law on vesting in pension plans [Freizügigkeitsgesetz] of 17 Dec. 1993¹⁵);
- d. acquired rights, in particular from pension plans outside Switzerland

³ The qualifying salary for pension purposes is the salary plus the salary elements specified in Articles 16–19; this sum is insured with PUBLICA in accordance with the relevant regulations.

⁴ In all other respects, the provisions of VR-ETH 2 shall apply.

⁵ Articles 39a, 42a and 47a ETH-PO¹⁶ shall apply analogously. The amount of any contribution by the employer to the bridging pension in accordance with Annex 5 of the ETH-PO shall correspond to the percentage specified in Executive Plan 2 [Kaderplan 2].

⁶ If professors are covered by Article 60b of the Ordinance of 18 April 1984¹⁷ on occupational old age, survivors' insurance and invalidity insurance [Verordnung über die berufliche Alters-, Hinterlassenen- und Invalidenvorsorge], the two ETH may take out insurance to cover the risk of death and disability. They shall decide on any contribution by professors to the cost of this insurance.

¹³ SR 172.222.1 – available in German only

¹⁴ SR 831.411 – available in German only

¹⁵ SR 831.42 – available in German only

¹⁶ SR 172.220.113

¹⁷ SR 831.441.1 - available in German only

Part 8: Protection of personal and health data

Art. 33

The protection of personal and health data is covered by Articles 59–61 of the ETH-PO¹⁸.

Part 9: Rules of procedure

Art. 34 Limitation periods

The limitation periods for claims arising from the employment relationship are based on Articles 127 and 128 of the Swiss Code of Obligations¹⁹.

Art. 35 Internal appeals

¹ The ETH Appeals Commission is the appeal body for decisions by ETH bodies.

² The Federal Administrative Court is the appeal body for orders made by the ETH Board and decisions by the ETH Appeals Commission.

³ Proceedings are conducted in accordance with the Federal Law of 20 December 1968²⁰ on administrative procedure [Bundesgesetz über das Verwaltungsverfahren].

Art. 36 Breach of professional duties

Articles 58–58*b* ETH-PO²¹ shall apply to any breach of professional duties.

Part 10: Transitional provisions

Art. 37 Transfer to the new law

¹ The term of office of existing full, associate and assistant professors shall terminate on 31 December 2003; from 1 January 2004, all employment relationships are subject to the new law. This is without prejudice to Article 38.

² Following a request from the ETH President, the ETH Board shall issue full, associate and assistant professors a written contract of employment in accordance with Article 8 FPL by 15 January 2004 and allow a minimum period of two months for its signature.

³ If no written contract of employment in accordance with Article 8 is concluded by 30 June 2004, the ETH Board shall terminate any employment relationship in

¹⁸ SR 172.220.113

¹⁹ SR 220

²⁰ SR 172.021

²¹ SR 172.220.113

existence prior to 31 December 2004 by no later than the 30 June 2005 by means of a written severance agreement or order. Article 13 shall not apply.

Art. 38 Continued validity of old law

The conditions of employment of full and associate professors due to retire on 31 March 2004 shall continue unchanged and remain subject to the old law until those professors retire.

Art. 39 Claims and actions under the old law

¹ Claims and actions under the old law for which no provision is included in the new law shall lapse on 1 January 2004 for those whose employment relationship is subject to the new law from that date.

² For those whose employment relationship remains subject to the old law, the old law shall continue in force until their employment relationship is dissolved.

³ Years of service of relevance to claims and measures under the old law are included when determining claims and measures under the new law provided that the existing employment relationship under the old law continues uninterrupted or is transferred without interruption to an employment relationship under the new law in accordance with the FPL.

Art. 40 Inclusion of an existing term of employment as assistant professor

When determining the maximum admissible duration of employment as an assistant professor, the duration of existing employment shall be included.

Art. 40a Transitional provision for the amendment of 29 June 2005

¹ The ETH President shall determine the date on which Articles 4a and 17 shall apply. This may not be later than 1 January 2008.

² Prior to the implementation of Articles 4a and 17, the salary of professors shall be increased each year by 2% of the maximum salary specified in Article 16, Para. 2 Letter a) until the maximum admissible salary for the relevant professorial category is reached.

Part 11: Entry into force

Art. 41

This Ordinance shall come into force on 1 January 2004.