

Directive concerning the management of conflicts of interest within the context of activities or public duties engaged in outside the working sphere

LEX 4.1.1

1st December 2005, status as at 14th September 2021

The Direction of the Ecole polytechnique fédérale de Lausanne, based on Article 6 of the Ordonnance sur le corps professoral des EPF (Ordinance on the EPF faculty) ([RS 172.220.113.40](#))¹, based on Articles 53², 53a³, 53b⁴ and 56⁵ of the Ordonnance du personnel des EPF (Opers-EPF) (Ordinance on EPF staff) ([RS 172.220.113](#)), hereby adopts the following:

Preamble

Article 6 of the Ordinance on the EPF faculty governs the question of ancillary activities that EPF professors may exercise outside of their employment relationship with the EPF. The ancillary activities exercised by employees are subject to the conditions laid out in Article 56 of the Ordinance on EPF staff. These regulatory provisions notably set out the duty to declare ancillary activities and the authorisations required to exercise these activities.

The relationships of EPFL professors and other staff members with industry, the economy and other institutions are beneficial for teaching as well as for research, technology transfer and innovation. However, conflicts of interest can be perceived or can arise from these interactions. The present directive aims to prevent and manage such conflicts of interest in order to ensure that ancillary activities are compatible with professors' and staff's responsibility of loyalty towards EPFL and the Confederation, as well as with the provisions of the Ordinances listed above.

Chapter 1 Definitions and sphere of application

Article 1 Definitions

Within the context of the present directive, the following definitions apply:

- a. **ancillary activity:** all activities exercised by a professor or employee outside of his working relationship with EPFL, whether compensated or not. This can be an activity exercised on behalf of the professor or employee himself, on behalf of a private company or a public institution, teaching mandates or even a public function. Activities considered leisure or activities exercised in the private sphere, for example those relating to cultural or sporting associations, are not considered ancillary activities in the sense of the present directive.
- b. **conflict of interest:** all situations that, due to an ancillary activity, can harm the interests of EPFL; this notably includes:
 - all situations in which a professor or employee is occupied by his ancillary activity in such a way as to impact on or reduce his labour power;
 - all situations which restrict academic liberty;

¹ Art. 6 Activities outside the EPF

² Art. 53 Performance of duties

³ Art. 53a Defense of the interests of the Confederation, the ETH Board, the two EPFs and research institutions

⁴ Art. 53b Recusal

⁵ Art. 56 Activities performed outside the work relationship (art. 23 LPers)

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- all situations which could jeopardise the intellectual property of EPFL, including intellectual property generated by the professor or employee, who exercises the ancillary activity;
 - all situations in which a professor or employee may influence the decisions of EPFL or the relationships of EPFL with third parties, or may appear biased due to an ancillary activity carried out on his own behalf or on behalf of a third party;
 - all situations in which an action or position of a professor or an employee in his ancillary activity could constitute a reputational risk for EPFL.

Conflicts of interest can also arise in the context of the following activities:

- a. consulting services for or representation of third parties in matters which form part of the tasks provided for under the work relationship;
- b. activities relating to mandates performed on behalf of EPFL or mandates that EPFL must allocate on short notice.

Article 2 Sphere of application

¹ The present directive applies to all staff, regardless of their status, having a work relationship with EPFL or with the ETH Board and occupying a post at EPFL.

² Owing to the different legal bases, certain provisions are applicable to employees (including adjunct professors) and others are applicable to professors only (full, associate, assistant and tenure track assistant).

³ The present directive is not applicable to members of the EPFL Direction, whose ancillary activities are governed by Article 7a of the *Ordonnance sur le domaine des EPF*.

Chapter 2 Protection of EPFL's interests

Article 3 Protection of the employer's interests

Under Article 20 of the [Loi sur le personnel de la Confédération](#), professors and employees must defend the legitimate interests of the Confederation and EPFL. All professors and employees have a responsibility of loyalty towards their employer.

Article 4 Time management

Conflicts of interest may arise due to the time spent on an ancillary activity. As such, professors or employees exercising an external activity, whether compensated or not, must ensure that this ancillary activity remains compatible with their obligations ensuing from their employment contract.

Article 5 Influence exerted by the professor or employee – Recusal

Professors or employees exercising an ancillary activity must ensure that, in this context, no influence is exerted in favour of, or to the detriment of, the interests of EPFL. If necessary, the professor or employee must disclaim competence. This means that he must recuse himself from the business or negotiations in question in order that these activities may proceed without a risk of bias. In all cases, professors or employees involved in the negotiation of a contract between EPFL and a third party for which they exercise an ancillary activity must be forthcoming in declaring this potential conflict of interests to the EPFL service responsible for the negotiation.

Chapter 3 Responsibility

Article 6 Responsibility

¹ The ancillary activities exercised by a professor or an employee are exercised privately. This means that they are exercised in the professor or employee's own name, on his own behalf and under his sole responsibility.

² The professor or employee must take all measures to inform the third party that the ancillary activity is not exercised in the name of or on behalf of EPFL. In particular, for all consulting or experts' mandates, or for similar contracts, the professor or employee shall obtain written confirmation for EPFL from their mandator or co-contractor concerning intellectual property belonging to EPFL and the fact that the mandate does not involve EPFL. The content of this confirmation is provided for in Annex 1. All modifications must be approved by the Technology Transfer Office.

Chapter 4 Declarations and authorisations

Section 1 For professors

Article 7 Annual declaration

¹ Once per year, the professor shall provide a declaration to the EPFL President, via the Vice President of Academic Affairs, of all the ancillary activities as defined in Article 1, point a, that he exercises.

² Ancillary activities also include activities of an academic nature where these activities:

- a. give the professor a decision-making power which could procure advantages for him or his immediate circle. This notably includes activities such as: member of candidate selection committees, member of an editorial committee, head editor for a scientific journal, participation in the scientific board of foundations, companies and third-party entities. This notably does not include the following activities: review of scientific articles for journals, committees for academic promotion or theses, evaluation committees within his field of research, or representation of the Confederation in international committees within his field of research; or
- b. are remunerated at a rate of over CHF 200.00 per year or per one-time mandate.

It is specified that activities exercised on behalf of EPFL are not subject to this mandatory declaration.

³ The annual declaration shall also include activities for which the professor has obtained an authorisation as described in Article 8. It shall contain the following information:

- a. type of activity and activity domain;
- b. name of mandator or entity within which the activity is exercised.

Article 8 Authorisation

¹ The following ancillary activities, whether compensated or not, are subject to authorisation:

- a. all ancillary activities, whatever the nature, where the time consecrated to this activity, or to all of the professor's ancillary activities, exceeds one day per week (or the equivalent for a professor employed at a rate of less than 100% by EPFL);
- b. all roles as a member of a monitoring body or of the direction of public or private organisations, such as managing partner, member of a board or direction of a company (including start-ups).
- c. all roles as a member of a foundation board or executive committee for a foundation, association or public institution, in case of risk for the reputation of EPFL;

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- d. all ancillary activities which, by their very nature, present a potential conflict of interest with EPFL, or a significant risk for the reputation of EPFL;
 - e. all nominations as a professor in an institute other than EPFL (dual professorship, as defined in Article 20 of the Ordinance on the EPF faculty);
 - f. all use of EPFL resources in accordance with Article 16.

² Requests for authorisation shall be addressed to the Dean of the School to which the professor is attached prior to undertaking the ancillary activity. The Dean gives notice of the request and submits it to the Vice President for Academic Affairs and to the EPFL President; the EPFL President issues a decision.

³ All requests shall include:

- a. a detailed description of the activity;
- b. an estimate of the time required for the activity;
- c. the intended duration of the activity;
- d. where necessary, the nature and level of support required from the EPL infrastructure ;
- e. where necessary, confirmation in accordance with Article 6, para 2 (for all consulting or experts' mandates or similar) or confirmation in accordance with Article 17, para 1 (in case of participation in a start-up).

⁴ Authorisation may only be given if the activity satisfies the provisions of this directive, including the criteria and conditions defined in Chapter 5.

⁵ Where the time consecrated to one of the activities outlined in paragraph 1, letters b, c or d, exceeds one day per week (or the equivalent in the case of an employment rate of less than 100%), authorisation is subject to the professor reducing his work rate for EPFL. The Vice President for Academic Affairs proposes the rate of reduction to the EPFL President, taking into account all of the circumstances; based on this proposal, the EPFL President addresses a request for the reduction of the professor's work rate to the ETH Board.

⁶ A new authorisation request is required to be submitted if there is any modification to the ancillary activity subject to authorisation, such as the modification of time allocated to this activity, for example.

Article 9 Register

¹The authorisations granted in accordance with Article 8, as well as the declarations made in accordance with Article 7, are transferred by the Vice President for Academic Affairs to Faculty Affairs (APR), where they are registered in an electronic register. This information is made available to the Dean. The central services concerned (VPA, Vice Presidency for Finances – VPF, Legal Affairs – AJ) can access this information insofar as it is necessary for the performance of their functions. A copy of the declarations and the authorisations granted is registered in the personal file of the professor concerned.

² The Deans, APR, the other central services and internal and external auditors concerned have the competency to carry out checks based on the ancillary activities declared.

³ In accordance with Article 33 of the Ordinance on the EPF faculty, Articles 59 to 61 of the Ordinance on EPF staff are applicable to the handling of personal data relating to ancillary activities.

Section 2 For employees

Article 10 Declaration

¹ The employee shall declare to his direct superior all ancillary activity as defined in Article 1, point a, provided that this activity is compensated. If the ancillary activity is a non-compensated activity, it must still be declared if the risk of a conflict of interest cannot be excluded or if the activity risks compromising the reputation of EPFL, of another institute in the ETH Domain or the ETH Board.

² The declaration shall be submitted to the direct superior on a timely basis, before the activity begins. The declaration shall contain:

- a. the nature and duration of the ancillary activity;
- b. the planned workload;
- c. the nature and level of support required from the EPFL infrastructure;
- d. potential conflicts of interest.

Article 11 Authorisation

¹ The ancillary activities outlined in Article 10 are subject to authorisation if one of the following conditions is met:

- a. the activity occupies the employee in such a way as to potentially compromise the services he provides for EPFL, notably if the combined activity rate of the activity for EPFL and the ancillary activity exceeds 110%;
- b. the activity consists of a role as managing partner, member of the board or direction of a company (including start-ups);
- c. the activity consists of a role as a member of a foundation board or executive committee for a foundation, association or public institution, if this generates a risk to the reputation of EPFL;
- d. the activity, by its nature, risks generating a conflict of interest with EPFL, another institute of the ETH Domain, or the ETH Board;
- e. the employee intends to use EPFL resources as defined in Article 16.

² The authorisation request shall be submitted directly to the direct superior, on a timely basis, before the activity begins. The request shall contain:

- a. the nature and duration of the ancillary activity;
- b. the planned workload;
- c. the nature and level of support required from the EPFL infrastructure;
- d. the potential conflicts of interest.

³ The superior examines the request and submits it, along with his notice, to the School Dean or respectively to his Vice President, who issues a decision regarding the request.

⁴ An authorisation can only be granted if the activity satisfies the provisions of this directive, including the criteria and conditions defined in Chapter 5.

⁵ If it is not possible to eliminate all risks of conflict of interest in a certain case, the authorisation shall be subject to certain conditions or suitable requirements, or else refused.

⁶ A new authorisation request is required to be submitted if there is any modification to the ancillary activity subject to authorisation, such as the modification of time allocated to this activity, for example.

Article 12 Register

¹ The Dean, Vice President or Associate Vice President concerned transfers the authorisations granted to Human Resources. The authorisations granted as well as the ancillary activities declared are registered in an electronic register, kept by Human Resources. This information is made available to the Dean or the Vice President, or the Associate Vice President where appropriate, to whom the employee is attached. The central services concerned (VPA, VPF, AJ) may access this information insofar as it is necessary for the performance of their functions. A copy of the declarations and the authorisations granted is registered in the personal file of the employee concerned.

² The hierarchical superiors, Human Resources, the VPF, the other central services concerned and internal and external auditors have the competency to carry out checks based on the ancillary activities declared.

³ Articles 59 to 61 of the Ordinance on EPF staff are applicable to the handling of personal data relating to ancillary activities.

Chapter 5: Conditions applicable to ancillary activities

Article 13 EPFL research activities

¹ Research work undertaken within EPFL shall not be used or divulged within the context of an ancillary activity.

² EPFL's contractual commitments shall not be affected by an ancillary activity.

³ An ancillary activity shall not prevent EPFL from using, protecting and/or transferring the results of its research.

⁴ Where a company for which a professor or employee exercises an ancillary activity is involved in a project for which the professor or employee makes a request for funding from a funding body, the professor or employee shall obtain prior validation from the Dean before submitting the funding request; the Dean's validation is submitted to the Research Office or to the Technology Transfer Office, depending on the source of the funding.

Article 14 EPFL teaching activities

In the case of a potential conflict of interest relating to an ancillary activity in the context of the completion of a thesis or post-doctorate, for example where the salary of the doctoral or post-doctoral student is funded by a company in which the supervisor has interests, the Dean shall be notified of this situation by the supervisor. The Dean shall then inform the doctoral school in order to arrange possible means of mitigation for the risks generated by such a situation.

Article 15 Use of the EPFL name

Any professor or employee exercising an ancillary activity must ensure that the activity in question does not give the impression of being an activity executed on behalf of EPFL. As such, for example, the use of the EPFL stationery, the EPFL logo, invoices bearing the EPFL letterhead, and the integration of EPFL web pages into another website other than via a simple hyperlink are not authorised. In this context, the opening of bank accounts under the name of EPFL is also not authorised.

Article 16 Use of EPFL resources

¹ The use of EPFL resources (whether staff, material or equipment, scientific or otherwise), requires, in addition to the authorisations covered in Article 8 or Article 11 of this directive, a contract concluded between EPFL and the third party for whom the ancillary activity is performed or between EPFL and the professor or employee in the case of an ancillary activity not carried out for a third party. The Technology Transfer Office has the competency to draw up this contract. The use of EPFL's IT resources is additionally subject to the Directive on the use of EPFL electronic infrastructure (LEX 6.1.4), in particular Article 5.

² The use of intangible assets belonging to EPFL (inventions, patents, software, etc.) within the context of an ancillary activity shall be subject to a contract approved in advance by EPFL via the Technology Transfer Office.

Article 17 Founding of new companies (start-ups)

¹ Any professor or employee who participates in the founding and development of a company is obliged to sign and transmit to the Technology Transfer Office a personal undertaking, the content of which is outlined in Annexes 2a (for professors) and 2b (for employees). Any modifications shall be validated by the Technology Transfer Office. The TTO transmits a copy of the undertaking to Faculty Affairs or respectively Human Resources for recording.

² If the professor or employee exercises, for the start-up, an activity which is subject to an authorisation within the provisions of the present directive, he shall request this authorisation and proceed to his declaration in accordance with Article 7 or Article 10.

Article 18 Conclusion of contracts

The conclusion of all research or technology transfer contracts between EPFL and the body in which the professor or employee concerned has interests (start-up or other body) shall be validated in advance by the competent services of the VPA. Such contracts shall also be co-signed by the Dean to whom the professor is attached, or respectively the Vice President to whom the Head of Unit is attached. Otherwise, the Regulations concerning the procedure to be followed for the acquisition of goods and services in the event of possible conflicts of interest (LEX 5.8.3) apply.

Chapter 6: Advice – Measures to be adopted in case of conflict

Article 19 Advice

Faculty Affairs, or respectively Human Resources, provide advice for professors or employees for all questions relating to the exercising of an ancillary activity. They also advise Deans or Vice Presidents on the granting of authorisations to exercise an ancillary activity.

Article 20 Mediation

Any immediate superior who identifies the existence of a situation that does not conform with this directive shall endeavour to settle the matter directly with the employee, supported by the Dean acting as mediator or, in the case of central administration staff, by the appropriate Vice President or Associate Vice President. If a professor is involved, the Dean attempts to settle the matter, supported by the Vice President for Academic Affairs acting as mediator.

Article 21 Intervention by the President or Director of Legal Affairs

¹ If no agreement can be reached to terminate the situation of nonconformity, the mediator submits the dossier to the Director of Legal Affairs, or to the President in the case of a professor, to enable them to take, or arrange for, any measures considered necessary to regularise the situation.

² The professor or employee is notified by the mediator that the dossier is being submitted to the President or respectively the Director of Legal Affairs.

Chapter 7: Final provisions

Article 22 Entry into force

This present directive entered into force on 1st December 2005 (version 1.1) and was revised on 1st January 2017 (version 1.2), on 15th March 2021 (version 1.3) and on 14th September 2021 (version 1.4).

On behalf of the EPFL Direction:

President:
Martin Vetterli

Director of Legal Affairs:
Françoise Chardonnens

Table of declarations and authorisations

For professors:

Case	Action to be taken	Involving whom	Authorisation granted by
All ancillary activities, excluding those which are leisure or private sphere activities, but including ancillary activities of an academic nature (if they are remunerated at more than CHF 200.00 per year or per mandate, or if they confer powers to the professor which may enable him to obtain benefits for himself or his friends/family)	Declaration	Vice President for Academic Affairs	n/a
Ancillary activity, where the time dedicated to this activity (or all ancillary activities) >1 day/week for a full-time (100%) role at EPFL	Request authorisation	Dean and Vice President for Academic Affairs	President
Role of managing partner/board member/member of company direction, including start-up	Request authorisation	Dean and Vice President for Academic Affairs	President
Role of member of the board of a foundation or executive committee of a foundation/association/public institution, if there is a reputational risk for EPFL	Request authorisation	Dean and Vice President for Academic Affairs	President
Activity presenting a potential conflict of interest or high risk to the reputation of EPFL	Request authorisation	Dean and Vice President for Academic Affairs	President
Nomination as professor in an institute other than EPFL	Request authorisation	Dean and Vice President for Academic Affairs	President
All use of EPFL resources in accordance with Article 16	Request authorisation + contract	Dean and Vice President for Academic Affairs + TTO	President
Founding/development of a company (start-up)	Sign personal undertaking	TTO	n/a

For other employees:

Case	Action to be taken	Involving whom	Authorisation granted by
All remunerated ancillary activities, excluding those which are leisure or private sphere activities	Declare	Direct superior	n/a
All non-remunerated ancillary activities, excluding those which are leisure or private sphere activities, if the risk of a conflict of interest cannot be excluded or in case of risk to the reputation of EPFL/another institute of the ETH Domain/ETH Board	Declare	Direct superior	n/a
Activity which occupies the employee in such a way as to compromise his services	Request authorisation	Direct superior	Dean / (Associate) Vice President
Role of managing partner/board member/member of company direction, including start-up	Request authorisation	Direct superior	Dean / Vice President (or Associate VP)
Role of member of the board of a foundation or executive committee of a foundation/association/public institution if this generates a reputational risk for EPFL	Request authorisation	Direct superior	Dean / Vice President (or Associate VP)
Ancillary activity which risks creating a conflict of interest with EPFL/another institute of the ETH Domain/ETH Board	Request authorisation	Direct superior	Dean / Vice President (or Associate VP)
All use of EPFL resources in accordance with Article 16	Request authorisation + contract	Direct superior + TTO	Dean / Vice President (or Associate VP)
Founding/development of a company	Sign personal undertaking	TTO	n/a