

Directive to the Prevention and Avoidance of Corruption at the Ruprecht Karls University of Heidelberg (Anti-Corruption Directive)

This directive is intended for the employees in all institutions of the University of Heidelberg. The aim is to offer legal certainty in a difficult legal area which is still under development. Principally, a public official does not accept any pecuniary benefits which serve his own interests. However, the professor¹ shall raise third-party funds and spread his teachings for a consideration, too. Therefore, the general standards under civil-service law are to be put in concrete terms and further developed. In addition, the guideline is supposed to contribute to develop the awareness of the problems and the responsibility of all organs and employees dealing with these issues.

A deviating guideline may be prepared in special cases for individual areas of the university, if this is necessary due to specific circumstances.

1. Definition of “Corruption”

The term “corruption” refers in particular to behaviours by which employees in the public sector – thus employees of the University of Heidelberg, too – create advantages for themselves or third parties due to their position or the tasks dedicated to them which they are not entitled to.

In assessing what is still permitted according to this term as a rule of thumb the following principles can be applied:

- Personal gifts of potentially dependent persons (e. g. students, doctoral candidates, subordinate employees) must generally not be accepted.
- Courtesies (e. g. a book, a bottle of wine, an invitation for a meal), for example after a lecture or a presentation, may be accepted.
- Third-party funds may only be raised and managed in accordance with the provisions of the Land Higher Education Laws and the third-party fund directive.
- Scientific lectures, other publications and expertises may be produced against payment; the payment must be appropriate with regard to the performance and the person of the performer. Part-time work regulations, such as the duty of disclosure to the university, shall be taken into account.
- The acceptance of donations apart from occasional gifts within the university (Christmas, birthday, retire from the service, etc.) is permitted up to a low value of up to EUR 30.

Please find further notes to the individual processes in the information sheets added to this directive as an annex.

2. Preventive Behaviour

2.1 Compliance with Basic Principles of Prevention of Corruption

The compliance with the following principles contributes to the securing of the own acting and to the protection against corruption:

¹ The use of the masculine form exclusively serves as the description of the function and the improved readability. It includes the female form.

Separation Principle: The separation principle demands a strict separation of processes which can lead to conflicts of interest combined with each other and may open new possibilities for future misuse. Therefore, for example, benefits from business partners are not permitted in direct connection with transactions/procurement. Here it is to reduce the possibility of the exertion of influence to procurement decisions.

Transparency/Approval Principle: The transparency principle demands the disclosure of all benefits that an employee of the university accepts within his position. These are, in particular, benefits that have to be disclosed to the superior (e.g. disclosure of third-party funds, obtaining of an approval of secondary employment, notification of rewards and gifts).

Documentation Principle: The documentation principle demands a written documentation of processes, particularly of performances and considerations in cooperation relations or benefits of third parties. The documentation shall make the relevant facts and their processing understandable.

Equivalence Principle: The relation of performances and consideration has to be adequate with regard to all cases of mutual relationships, e. g. cooperation with third parties.

2.2 Knowledge and Observation of all relevant Regulations

The superior has to ensure that the applicable laws are taken into account with all official and commercial decisions. For this purpose, in particular, employee meetings serve.

2.3 Control Mechanisms and other Organizational Measures

The following measures have proven - depending on existing hazards - to prevent corruption and to increase legal certainty:

- Identification of particularly vulnerable work areas by the superior.
- Dual-control-principle/multiple-control principle, i.e. two or more persons participate in a decision or an action.
- Documentation of the decision-making by written specification, reporting system, separation of functions, i.e. allocation of certain tasks within a business process to several persons.
- Separation of functions, i.e. allocation of certain tasks within a business process to several persons.
- Securing of a proper process flow, i.e. by the supply of test grids, check lists or similar;
- Standardization of recurring processes using IT.
- Incident-related controls, follow-ups, e.g. for the securing of the implementation of instructions given.
- Sample check for processes already concluded.
- Monitoring of implementation, i.e. controls when specific milestones of a process which have been determined in advance have been reached.

3. Behaviour in case of Suspicion of Corruption/ Information Channels

In principle, all employees have to inform their superior immediately, if they receive comprehensible hints to corrupt behaviour.

Apart from that, there is also the possibility to notify the anti-corruption officer in written about the suspicious facts or to refer to the confidence lawyer commissioned by the Ministry of Science, Research and Arts (MWK)The head of the internal audit (Ms Daniela Fabian, Phone: 54-5000) in the central university administration has the function of the anti-corruption representative.

In principle, it is good practice to document in written the facts and the steps already taken with an internal (confidential) note for later investigations in case of uncertainties or specific suspect cases.

Notes on a corruption suspicion are dealt with confidentially. Should a suspicion be unfounded the university guarantees freedom from sanction.

4. Consequences of Corruption Offences

Apart from relevant consequences under civil law, disciplinary and labour-law measures are also among the consequences of a corruption offence. They may result in the loss of the workplace or the pension rights. Furthermore, the person concerned is made liable to recourse for the damage incurred.

Details on the Prevention of Corruption with regard to the Acceptance of Rewards and Gifts

1. Fundamental Administrative Regulation for the Acceptance of Rewards and Gifts

Employees of public services shall avoid any semblance of being receptive for personal advantages within their governance. Therefore, rewards and gifts shall generally not be accepted with regard to the office or the official position. (§ 89 LBG (= Baden-Württemberg Civil Service Act; § 3 Sect. 3 TV-L (= Collective Agreement Land)). However, exceptions require the prior written consent of the superior or the employer.

2. What is permitted and does not give reason for a suspicion of corruption? (Examples)

- the acceptance of generally believed unobjectionable low-value benefits, e.g. mass means of advertising as calendars, pens, writing pads, as far as they are items of low value
- the acceptance within university (e.g. by faculty members for a colleague) of occasional gifts (on occasions such as Christmas, birthday, termination of service) insofar as the gifts are within the normal range
- the acceptance of other than the above mentioned gifts up to a value of EUR 30 at a maximum
- the acceptance of customary and reasonable meals and entertainment on the occasion of official actions, meetings, site visits or the like

3. What is prohibited resp. to be avoided to prevent a suspicion of corruption from arising?

It is prohibited to accept money or material assets as well as other benefits including services the employee is not entitled to and he/she has an advantage of and that objectively improve the situation of him/her.

Examples:

- acceptance of vouchers, tickets or telephone, money or credit cards
- acceptance of objects for private use or consumption
- acceptance of special benefits with regard to private businesses (e.g. interest-free or low-interest loans, guarantees)
- acceptance of discounts that not all employees in public service are generally granted
- acceptance of tickets or flight tickets
- acceptance of the offer of being taken on a holiday trip
- acceptance of the granting of free accommodation
- acceptance inheritance preferential treatment (e.g. appointment as an heir or consideration with a legacy)

4. Contact Persons with regard to the Topic “Acceptance of Rewards and Gifts”

- For officials:
Karin Leyer, University Administration, Dept. 5.1
Phone: +49 6221 54-3136 Fax: +49 6221 54-3740
Email: karin.leyer@zuv.uni-heidelberg.de
- For employees subject to the collective agreements:
Antje Kunkel, University Administration, Dept. 5.2
Phone: +49 6221 54-2158 Fax: +49 6221 54-3740
Email: antje.kunkel@zuv.uni-heidelberg.de

Details regarding the Prevention of Corruption with regard to Procurement

1. Fundamental Administrative Rules for Procurement

- Institutes and departments may procure scientific supplies (consumables and devices) up to a value of EUR 10,000 under their own steam.
- Should this threshold value be exceeded the central procurement (ZBS) has to be involved.
- Institutes and departments may order consumables of the scientific need on their own at the web shop provided for this.
- The ZBS has to be involved at the procurement of devices of the non-scientific need.
- In so far as a tender is required, the ZSB has to be involved.
- Orders for journals, serial publications, single pieces from EUR 200, works comprising several volumes (total volume), utilization licences for electronic publications, acquisition of literature databases must be agreed upon with the university library.
- Basic agreements, campus licences and the like are available for independent procurement of hard- and software by the institutes and departments: Please contact the university computer centre (URZ) for further information. Should procurement be impossible within these contracts, the ZBS has to be involved.
- Procurement documentation (e.g. offers, delivery notes, etc.) has to be maintained for 6 years by the managing bodies
- In each case, the principles of economy and efficiency shall apply.

2. What is permitted and does not give Reason for a Suspicion of Corruption? (Examples)

- discounting/Price negotiations to the advantage of the university (with tenders in agreement with the ZBS)
- joint procurement/tenders to benefit from volume advantages
- small promotional gifts of insignificant value (up to EUR 30), e.g. from suppliers or potential suppliers (cf. the information on the acceptance of rewards and gifts)
- advantages with regard to private purchases, if there is a framework agreement allowing this (Please refer to the ZBS for further information)

3. What is prohibited resp. what has to be avoided to prevent a Suspicion of Corruption from arising? (Examples)

- combination of procurement with personal monetary benefits or benefits for third parties
- combination of procurement with transactions or donations (compensation)
- disproportionate promotional gifts and the like of deliverers and potential deliverers (cf. information on the acceptance of rewards and gifts)

4. Contact Person with regard to the Topic “Procurement”

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5. Information in the intranet on the topic “Procurement”

<http://www.zuv.uni-heidelberg.de/finanzen/beschaffung/index.html>

Details regarding the Prevention of Corruption with regard to Business Trips

1. Fundamental Administrative Rules for the Behaviour on Business Trips, Participation at Events, Lectures, Further Training and Continuing Education

- As a general principle, the following rule applies for the planning of a business trip: travel expenses are accounted for according to the federal travel expense law and the principle of economy has to be taken into account.
- The participation at scientific meetings, continuing education events, congresses and lectures is to help the communication and distribution of work related knowledge and practical experiences. The scientific information and the transfer of knowledge in research and teaching on other work related matters must be the main focus.
- The university institutions (Institute Director, Managing Director resp. Dean) shall decide whether and to what extent a business trip is to be granted resp. necessary.
- Such approval shall include to what extent travel expenses will be reimbursed. The following expenses may be invoiced in according to the federal travel expense law:
 - Appropriate outward and return travel costs
 - Daily allowances
 - Accommodation expenses
 - Congress/Meeting fees
- If an external investor supports the participation of employees at meetings, information, further training or continuing education events, the following points must be considered:
 - Third-party benefits may only be used for business trips if the third-party funds are received by the university (ZUV (= central university administration), Department 6)
 - Regulations governing how travel expenses are handled of the external investor which possibly deviate from the federal travel expense law.

2. What is permitted and does not give Reason for a Suspicion of Corruption? (Examples)

- acceptance of an appropriate fee for a lecture within the disclosed resp. approved secondary employment or reimbursement of other appropriate monetary benefits
- acceptance of modest meals offered by the organizer for this purpose in accordance with local customs

3. What is prohibited resp. what has to be avoided to prevent a Suspicion of Corruption from arising? (Examples)

- In connection with business trips it shall not be permitted to accept rewards or gifts, except for low-value assets or benefits which are customary and appropriate. In case of doubt the written consent is necessary.
- No third-party funds of external investors with whom close business relationships are kept (e.g. deliverers of devices, etc.) may be used for business trips.

4. Contact Persons:

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Fax: +49 6221 54-3896

5. Information in the intranet on the topic "Business Trips"

<http://www.uni-heidelberg.de/universitaet/beschaefigte/service/personal/dienstreisen.html>

Details regarding the Prevention of Corruption with regard to the Acceptance of Third-Party Funds, Sponsoring as well as Acceptance of Donations

1. Fundamental Administrative Rules for the Acceptance of Third-party Funds, the Sponsoring as well as the Acceptance of Donations

Third-party funds are benefits and orders from public-law institutions and private donors for the purposes of research and teaching as well as for the fulfilment of the other tasks of the university (§ 2 of the State University Law – LHG).

In case of benefits from private donors, it is necessary to distinguish whether the benefit is linked to a consideration. If the benefit is voluntary and without any consideration, it is a donation. It may be a monetary donation or a donation in the form of a performance in kind. The sponsoring is a benefit by means of which the donor is pursuing objectives of public relations or advertising which are also intended to promote objectives of the university. Research contracts are contracts for the performance of scientific work for third parties.

The intended acquisition or an offer already at hand for the supply of third-party funds has to be reported to the Department 6 (with regard to monetary donations, sponsoring and research projects) and to the Department 8 (with regard to donations in kind). The report is to be made on the form "Notice of Benefits and Research Projects of Third Parties (§§ 13 and 41 LHG, DMRL (= Guidelines for Third-Party Funding) 2010" (accessible at: http://www.uni-heidelberg.de/einrichtungen/verwaltung/forschung/formulare_forschung.html).

The acceptance is made by the rectorate.

The funds may only be used for the fulfilment of tasks the university is responsible for in accordance with § 2 LHG (i.e. research, teaching, studies, further education, maintenance and development of sciences)

2. What is permitted and does not give Reason for a Suspicion of Corruption? (Examples)

- Benefits from public-sector and non-profit sponsors are harmless with regard to corruption law.
- Preliminary talks with potential private external investors, sponsors, donators. In the event of the success, the above procedure (see section 1) is to be commenced.
- Extension resp. prolongation of inducements (third-party funds, sponsorship funding, donations) if in this respect again the above mentioned departments are informed.

3. What is prohibited resp. what has to be avoided to prevent a Suspicion of Corruption from arising? (Examples)

- performance of professional legal acts (concluding contracts, acceptance of benefits) without participation of the rectorate
- financing of trips and working events and advanced training courses which do not mainly serve the fulfilment of the tasks of the university; this particularly applies to the financing – even partially – of travel expenses for private companions
- financing of office parties and excursions of resources from companies within existing or expected business/supply relationships

4. Contact Persons with regard to the Topic "Acceptance of Third-party Funds, Sponsoring as well as Acceptance of Donations Procurement"

- Monetary donations, sponsoring, research projects:
Dr Norbert Huber, University Administration, Dept. 6.1
Phone: +49 6221 54-2157
Email: nhuber@zuv.uni-heidelberg.de
- Donations in kind:
Helmut Weithofer, University Administration, Dept. 6.1
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5. Information in the intranet on the topic “Acceptance of Third-party Funds, Sponsoring as well as Acceptance of Donations Procurement”

On http://www.uni-heidelberg.de/einrichtungen/verwaltung/forschung/formulare_forschung.html the guidelines for third-party funding (DMRL) with explanations are available apart from the above mentioned and other forms.