

## **The Prevention and Avoidance of Corruption at Heidelberg University (Anti-Corruption Policy)**

This policy applies to the employees in all institutes of Heidelberg University. The aim is to offer legal certainty in a difficult legal area which is still in the process of development. In principle, public officials do not accept any pecuniary benefits which serve their own interests. However, professors and lecturers are expected to raise third-party funds and also do extra teaching (e.g. refresher courses, continuing education) for payment. Therefore, the general standards applicable under civil-service law must be spelled out in practical terms in the university, and expanded as appropriate. Another aim of the policy is to help develop awareness of the problem and to make all governing bodies and staff aware of their responsibilities in dealing with these issues.

A policy deviating from the principles set out here may be drawn up for individual areas of the university if specific circumstances make this necessary.

### **Definition of “corruption”**

The term “corruption” refers in particular to behaviour by which employees in the public sector – thus also employees of Heidelberg University – procure undue economic advantages for themselves or third parties due to their position and their powers.

In assessing what is still permitted according to the definition of this term, the following principles may serve as a rule of thumb:

- Personal gifts must not be accepted from potentially dependent persons (e.g. students, doctoral candidates, subordinates).
- Courtesies (a book, a bottle of wine, an invitation for a meal) may be accepted, e.g. after a lecture or a presentation.
- Third-party funds may only be raised and managed in accordance with the provisions of the Higher Education Act of the state of Baden-Württemberg and its third-party funding regulations.
- A fee may be charged for scholarly lectures, publications and expert opinions; the pay must be appropriate with regard to the product and the person carrying it out. The rules on paid sidelines, such as the duty of notifying the University, must be respected.
- The acceptance of gratuities apart from occasional gifts usual within the university (Christmas, birthday, retirement, etc.) is permitted as long as they are of low value (i.e. up to €30).

For more detail on individual procedures, see the separate checklists below.

[Checklist 1](#) – Details on the Prevention of Corruption with regard to the Acceptance of Rewards and Gifts

[Checklist 2](#) - Details regarding the Prevention of Corruption with regard to Procurement

[Checklist 3](#) - Details regarding the Prevention of Corruption with regard to Business Trips

[Checklist 4](#) - Details regarding the Prevention of Corruption with regard to the Acceptance of Third-Party Funds, Sponsoring and Donations

## 2. Preventive behaviour

### 2.1 Compliance with basic principles of corruption prevention

Observing the following principles will help staff members to stay on the safe side and protect them from corruption:

**Separation principle:** The separation principle requires a strict separation of transactions which, if they are linked, may lead to conflicts of interest and present opportunities for abuse. For example, donations from business partners are not permitted in direct connection with sales/procurement. This is to reduce the possibility of influencing procurement decisions.

**Transparency/approval principle:** The transparency principle requires the disclosure of all grants that a university employee accepts in connection with his or her position. These are, in particular, grants that have to be notified to the next level of management and the University administration (e.g. reporting on the acquisition of third-party funds, obtaining approval for paid sidelines, reporting on rewards and gifts).

**Documentation principle:** The documentation principle calls for a written documentation of transactions, particularly of services rendered and returned in cooperative relations, or grants from third parties. The documentation must clearly explain the relevant facts and how they are handled.

**Equivalence principle:** The relation between services rendered and returned (performance and payment or grant) has to be appropriate in all cases of mutual relationships, e.g. cooperation with third parties.

### 2.2 Awareness and observance of all relevant regulations

Supervisors must ensure that applicable laws are taken into account in all decision-making and actions related to their duties and to commercial matters. Staff meetings are a good place to explain how important this is.

### 2.3 Monitoring mechanisms and other organizational measures

Depending on the possible hazards, the following measures have proved useful in preventing corruption and increasing legal certainty:

- identifying particularly sensitive work areas by supervisors;
- applying a dual-control / multiple-control principle, i.e. two or more persons participate in a decision or an action;
- documenting decisions in writing and using a reporting system;
- separating functions, i.e. certain tasks within a business process are allocated to several persons;
- ensuring a proper process flow, i.e. by issuing test grids, checklists or the like;
- standardizing recurring processes using IT;
- monitoring incidents and following them up, e.g. to ensure that instructions are implemented;
- carrying out spot-checks on processes already completed;
- monitoring implementation, i.e. checking whether specific pre-determined milestones of a process have been reached.

## 3. Behaviour in case of suspected corruption / information channels

If they notice plausible indications of corrupt behaviour, all employees must, in principle, inform their supervisors immediately.

Apart from that, there is also the option of notifying the University's anti-corruption officer in writing about the suspicious factors or referring to the lawyer especially commissioned by the Baden-Württemberg Ministry of Science, Research and the Arts. The head of the Internal Audit Department (Dirk Gabriel, phone: 54-12080) in the central university administration is currently serving as Anti-Corruption Officer. In cases of uncertainty or specific cases of suspicion, it is good practice to make a written note of the facts and the steps already taken as an internal (confidential) memo for later investigations.

Notifications of suspected corruption are dealt with confidentially. Should a suspicion prove unfounded the university guarantees freedom from sanctions.

#### **4. Consequences of corruption offences**

Apart from relevant consequences under the German penal code, a corruption offence is subject to disciplinary and labour-law measures. The latter may result in the loss of workplace or of pension rights. Furthermore, the person concerned will be made liable to recourse for the damage incurred.

## **Checklist 1 - Details on the Prevention of Corruption with regard to the Acceptance of Rewards and Gifts**

### **Administrative standards for the acceptance of rewards and gifts**

Public service employees must avoid any semblance of being receptive for personal advantages within their sphere of office. Therefore, they are not permitted to accept rewards and gifts relating to their office or official position, see §89 LBG (Baden-Württemberg Civil Service Act and §3(3) TV-L (B-W Collective Agreement). Exceptions are only possible if there is no fear of the employees being influenced in any way. However, exceptions require the **prior** written consent of the employer.

### **What is permitted and does not give grounds for suspected corruption?**

Examples:

- accepting unobjectionable courtesy products such as mass give-aways, e.g. calendars, pens and writing pads, as long as they are of low value;
- accepting occasional gifts within the university (e.g. by faculty members for a colleague on occasions such as Christmas, birthday, retirement) as long as the gifts are within the normal range;
- accepting other gifts than the above-mentioned, up to a maximum value of €30;
- accepting customary and reasonably priced meals on the occasion of official acts, meetings, on-site visits or the like.

### **What is prohibited and/or to be avoided to prevent a suspicion of corruption?**

It is prohibited to accept money or material goods, as well as all other benefits including services to which employees are not entitled and from which they derive advantage and are thus objectively better off.

Examples:

- accepting vouchers, entry tickets, telephone cards, charge cards or credit cards accepting objects for private use or consumption worth more than €30
- accepting special benefits with regard to private businesses (e.g. interest-free or low-interest loans, sureties)
- accepting discounts not granted to all employees in the public service
- accepting train tickets or air tickets
- accepting the offer of being taken along on a holiday trip accepting free accommodation
- accepting preferential treatment under inheritance law (e.g. appointment as an heir or being remembered in a will)

### **Contact persons with regard to the topic “Acceptance of Rewards and Gifts”**

For civil servants:

Karin Leyer, Central University Administration, Dept. 5.1  
Dept. 5.1 Phone: +49 6221 54-12510  
Email: [karin.leyer@zuv.uni-heidelberg.de](mailto:karin.leyer@zuv.uni-heidelberg.de)

For employees subject to collective agreements:

Antje Kunkel, Central University Administration, Dept. 5  
Phone: +49 6221 54-12526  
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## **Checklist 2 - Details regarding the Prevention of Corruption with regard to Procurement**

### **1. Administrative standards for procurement**

- Institutes and departments may procure supplies for academic purposes (consumables and devices) up to a value of €10,000 under their own responsibility.
- The central procurement office (ZBS) must be involved if this threshold value is to be exceeded.
- Institutes and departments may themselves order consumables for non-academic purposes from the web shop provided.
- The ZBS must be involved in the procurement of devices for non-academic purposes.
- If a call for tenders is required, the ZSB must be involved.
- Orders for journals, serial publications, single volumes from €200, works comprising several volumes from €200 (collected works), utilization licences for electronic publications and the acquisition of literary databases must be coordinated with the university library.
- General agreements, campus licences and the like are available for the independent procurement of hard and software by the institutes and departments. The University Computer Centre (URZ) can give further information. Should procurement be impossible within these general agreements, the ZBS must be involved.
- Procurement documentation (e.g. offers, delivery notes, etc.) must be kept for 6 years by the bodies responsible for financial management.
- The principles of economy and efficiency must always prevail.

#### **What is permitted and does not give reason for a suspicion of corruption? Examples:**

- discounting / price negotiations to the advantage of the university (in agreement with the ZBS in the case of tendering)
- joint procurement or tendering in order to benefit from economies of scale
- small promotional gifts of insignificant value (up to €30), e.g. from suppliers or potential suppliers (see checklist on "Acceptance of rewards and gifts")
- advantages with regard to private purchases, if there is a general agreement allowing this (the ZBS can provide further information)

#### **What is prohibited and/or what has to be avoided to prevent a suspicion of corruption from arising?**

Examples:

- combining procurement with personal pecuniary advantages or advantages for third parties
- combining procurement with extra deals or grants for other causes
- accepting disproportionate promotional gifts and the like from suppliers and potential suppliers (cf. information on "Acceptance of rewards and gifts")

#### **Contact person with regard to "procurement"**

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#### **Information on the intranet on "Procurement"**

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

### **Checklist 3 - Details regarding the Prevention of Corruption with regard to Business Trips**

#### **Administrative standards for behaviour on business trips, attending events, lectures, in-service training and continuing education**

- As a general principle, the following rule applies for the planning of a business trip: travel expenses are reimbursed according to the German federal travel expense law and the principle of economy must be respected.
- Attending academic conferences, professional development events, congresses and lectures helps with the communication and distribution of work-related knowledge and practical experience. The main focus must be on the spread of scientific findings and knowledge transfer in research and teaching or other work-related matters.
- The university departments and faculties (director, executive director or dean) decide on whether and to what extent a business trip will be approved or is necessary.
- Such approval includes the extent to which 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/conference fees
- If a third-party funder supports the participation of employees at meetings, information, in-service training or professional development events, the following rules apply:
  - Third-party funds may only be used for business trips if the amount is transferred directly to the university (ZUV, Department 6).
  - The third-party funder's rules on handling travel expenses take priority (e.g. as in the DAAD grant agreement), even if they deviate from the travel expense legislation of the state government.

#### **What is permitted and does not give reason for suspecting corruption?**

Examples:

- accepting an appropriate fee for a lecture in the context of the notified and/or approved paid sideline or reimbursement of other appropriate monetary payments
- accepting appropriate meals offered by the event organizer in accordance with local customs

#### **What is prohibited or what should be avoided to prevent a suspicion of corruption from arising?**

Examples:

- In connection with business trips it is not permitted to accept rewards or gifts, except for low-value goods or courtesies that are customary and appropriate. In case of doubt, written consent is necessary.
- No funds from third parties with whom close business relationships are maintained (e.g. suppliers of devices, etc.) may be used for business trips.

#### **Contact Persons:**

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**5. Information in the intranet on the topic "Business Trips"** <http://www.uni-heidelberg.de/universitaet/beschaefigte/service/personal/dienstreisen.html>

## **Checklist 4 - Details regarding the Prevention of Corruption with regard to the Acceptance of Third-Party Funds, Sponsoring and Donations**

### **Administrative standards for the acceptance of third-party funds, sponsoring and donations**

Third-party funds are grants and contracts from public-law institutions and private donors for the purposes of research and teaching, as well as for fulfilling other tasks connected with universities (§2 LHG).

In case of grants from private donors, it is necessary to distinguish whether the grant is linked to a return service. If the grant is voluntary and without any service in return, it is a donation. It may be a monetary donation or a donation in kind. Sponsoring involves grants by means of which the donor pursues public relations or advertising purposes but at the same time intends to promote university purposes. Research contracts are contracts to carry out scientific work on behalf of third parties.

The intended acquisition of third-party funds, or an offer already on hand, must be reported to Division 6 (monetary donations, sponsoring and research projects) and to the Division 8 (donations in kind). Please use the form "Notification of Grants and Research Projects of Third Parties (§§ 13 and 41 LHG, 2010)" (accessible at:

[http://www.uni-heidelberg.de/einrichtungen/verwaltung/forschung/formulare\\_forschung.html](http://www.uni-heidelberg.de/einrichtungen/verwaltung/forschung/formulare_forschung.html)).

The acceptance will come from the President's Office.

The funds may only be used for the fulfilment of tasks for which the university is responsible under §2 LHG (i.e. research, teaching, study courses and student affairs, in-service education, promoting the sciences and humanities).

### **What is permitted and does not give reason for a suspicion of corruption? Examples:**

- Grants from public-sector and public-interest (non-profit-making) funding bodies give no cause for concern under corruption law.
- Preliminary talks with potential private third-party funders, sponsors, donors. However, in the event of success, the above procedure (see section 1 of this checklist) must be initiated.
- Increasing or prolonging grants (third-party funds, sponsorship, donations) as long as, in this case too, the above-mentioned offices are notified.

### **What is prohibited and/or what must be avoided to prevent a suspicion of corruption from arising?**

Examples:

- performing legal acts (signing contracts, accepting grants) without the participation of the President's Office;
- financing trips, work events and in-service 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 office parties and excursions from the resources of companies within existing or expected business/supply relationships.

### **Contact persons for "Acceptance of Third-party Funds, Sponsoring, Donations"**

Monetary donations, sponsoring, research projects: Dr Norbert Huber, University Administration, Dept. 6.1 Phone: +49 6221 54-12610  
Email: [nhuber@zuv.uni-heidelberg.de](mailto:nhuber@zuv.uni-heidelberg.de)

Donations in kind:

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**Information on the intranet on “Acceptance of Third-party Funds, Sponsoring and Acceptance of Donations”**

Please see [http://www.uni-heidelberg.de/einrichtungen/verwaltung/forschung/formulare\\_forschung.html](http://www.uni-heidelberg.de/einrichtungen/verwaltung/forschung/formulare_forschung.html) for the third-party funding regulations (DMRL), relevant forms and explanatory notes.