

# Directive concerning the acceptance of benefits and invitations received

LEX 4.1.6

17<sup>th</sup> December 2018, status at 17<sup>th</sup> October 2022

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*The Direction of the Ecole polytechnique fédérale de Lausanne,*

based on Article 56b of the *Ordonnance du Conseil des EPF sur le personnel du domaine des écoles polytechniques fédérales*,

based on Article 93a of the *Ordonnance sur le personnel de la Confédération*,

*hereby adopts the following:*

## **Section 1    General provisions**

### **Article 1    Subject**

The present directive defines the conditions under which staff members of EPFL may accept benefits and invitations from third parties. The term 'staff members' also includes professors.

The term 'benefit' namely refers to:

- Presents;
- Donations;
- Commissions.

The term 'invitation' namely refers to:

- Business or social invitations outside the context of the staff member or EPFL Direction member's standard activities.

### **Article 2    Distinction between staff members and members of the Direction**

<sup>1</sup> The regulations differ depending on whether the person receiving a benefit or invitation is:

1. A member of the EPFL Direction<sup>1</sup> (President, Vice President), Associate Vice President, Director of the VPO domain, Secretary General, Director of Legal Affairs, College Dean or Director (hereinafter: members of the Direction in the broad sense);
2. A staff member of EPFL whose position is not included in point 1 above (hereinafter: staff members).

### **Article 3    General principle**

In all cases, the use of a benefit received or an invitation must be to the advantage of EPFL.

### **Article 4    Within the context of fundraising activities**

In accordance with the provisions concerning sponsorship and patronage<sup>2</sup>, staff members and members of the EPFL Direction involved in managing fundraising and patronage activities must refuse all benefits or commissions.

### **Article 5    Questions**

In all cases, staff members and members of the Direction may address their questions to the Director of Legal Affairs if in doubt regarding the acceptance of benefits or invitations.

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<sup>1</sup> See Ordinance on the organisation of the Ecole polytechnique fédérale de Lausanne ([LEX 1.1.1](#)), Art. 3.

<sup>2</sup> See Directive on Sponsorship and Patronage at EPFL ([LEX 1.10.1](#)), Art. 8.

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## **Section 2      *Benefits offered to staff members and to members of the Direction in the broad sense***

### **Article 6      Principle of acceptance**

<sup>1</sup> Staff members and members of the Direction in the broad sense may not accept from third parties, whether for their own benefit or that of their relatives, any gifts or other benefits that exceed mere tokens of appreciation customary in society or are likely to create relationships closer than arm's length. The term 'token of appreciation' means any gift in kind whose market value does not exceed CHF 200.00. In no case may cash be accepted.

<sup>2</sup> Staff members and members of the Direction in the broad sense shall ensure that they do not accept multiple benefits at regular intervals from the same source in order to avoid a 'salami slicing' effect.

### **Article 7      Within the context of a buying process**

Staff members and members of the Direction in the broad sense participating in a buying process (for example, a call for tender) or a decision process are prohibited from accepting benefits if it is not possible to exclude a link between the benefit and the buying or decision process.

### **Article 8      Exceptions**

<sup>1</sup> If certain benefits cannot be refused for reasons of courtesy, civility or standard social practice, they are handled as follows:

- if received by a staff member, they are transferred to the Director of Legal Affairs, who will decide on their use, always for the benefit of EPFL;
- if received by a member of the Direction in the broad sense, they are declared to the EPFL Direction, who will decide on their use.

<sup>2</sup> If in doubt regarding acceptability, staff members should ask their superior.

### **Article 9      Benefits Register**

Benefits accepted for which the value exceeds CHF 200.- and which are accepted according to the conditions listed in Article 8 above, are recorded in an inventory kept by the Director of Legal Affairs.

### **Article 10      Benefits for the EPFL President**

<sup>1</sup> During his/her term, the President may use the benefits received.

<sup>2</sup> When he/she leaves the position of President, he/she returns these benefits to the Director of Legal Affairs.

## **Section 3      *Invitations to staff members***

### **Article 11      Principle of acceptance**

<sup>1</sup> Staff members must refuse invitations which may impair their independence and freedom of action.

<sup>2</sup> Unless written authorisation has been provided by his/her superior, staff members shall refuse invitations abroad.

<sup>3</sup> If in doubt regarding the acceptability of an invitation, staff members shall contact their superior in writing; the superior shall reply in writing.

## **Article 12 Within the context of a buying process**

Staff members participating in a buying process (for example, a call for tender) or a decision process are prohibited from accepting an invitation if it is not possible to exclude a link between the invitation and the buying or decision process.

## **Article 13 Expenses relating to the invitation**

<sup>1</sup> In order to avoid creating a dependent relationship, staff members must submit a request to EPFL in writing via their superior for the payment of travel, accommodation and meal costs, and for all other related expenses.

<sup>2</sup> If EPFL has paid the travel, accommodation and meal costs to the invited staff members, and the staff members are later reimbursed by the inviting third party, the aforementioned staff members must obligatorily return the money received to EPFL.

## **Section 4 *Invitations to members of the Direction in the broad sense***

### **Article 14 Principle of acceptance**

<sup>1</sup> The decision to accept or refuse invitations is taken during the meeting of the Direction in order to define the person or persons who are to take part, and to benefit from a collective opinion regarding those whose participation may prove potentially uncertain. The discussion and the decision form an integral part of the meeting minutes.

<sup>2</sup> The decision to accept or refuse invitations must be led by the three following principles:

1. The occasion primarily serves a purpose relating to EPFL activity;
2. The member or members of the Direction in the broad sense is/are accompanying an EPFL partner (current, future or potential);
3. The meals, entertainment or travel accepted are appropriate to the situation (proportionality).

<sup>3</sup> Official invitations are commonly accepted.

### **Article 15 Expenses relating to the invitation**

<sup>1</sup> In order to avoid creating a dependent relationship, members of the Direction in the broad sense must submit a request to EPFL for the payment of travel, accommodation and meal costs, and for all other related costs. This agreement is recorded in the minutes of the Direction meeting.

<sup>2</sup> If EPFL has paid the travel, accommodation and meal costs to the invited members of the Direction in the broad sense, and these members of the Direction in the broad sense are later reimbursed by the inviting third party, the aforementioned members of the Direction in the broad sense must obligatorily return the money received to EPFL.

## **Article 16 Within the context of a buying process**

Members of the Direction in the broad sense participating in a buying process (for example, a call for tender) or a decision process are prohibited from accepting an invitation if it is not possible to exclude a link between the invitation and the buying or decision process.

## **Article 17 Invitations Register**

Invitations for members of the Direction in the broad sense which have been accepted are recorded in an inventory kept by the Director of Legal Affairs.

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**Article 18   Misconduct**

In the case of misconduct, disciplinary proceedings shall apply.

***Section 5   Final Provisions***

**Article 17   Entry into force**

The present directive, which entered into force on 17<sup>th</sup> December 2018, was revised on 25<sup>th</sup> January 2021 (Version 1.1) and on 17<sup>th</sup> October 2022 (Version 1.2).

On behalf of the EPFL Direction:

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