



Please note: The English version has no legal force and serves information purposes only.

BOKU Compliance Guidelines

I. Preamble

Universitas magistrorum et scholarium – the community of instructors and students has been the basic principle of a university for more than 800 years. This community assumes a willingness to cooperate across all boards and institutions. To this effect, this guideline should leave the creative possibilities for a functioning university wide open in order to support the spirit of diversity and community at the university.

BOKU is a university that is dedicated to research and teaching for a lasting social development and sustainable use of resources (see also: <http://www.boku.ac.at/nachhaltigkeit.html>). BOKU's mission statement (www.boku.ac.at/leitbild.html) shows the basic principles that guide all activities related to research, teaching, management and administration here at BOKU.

In the context of these basic principles, the following compliance guideline should further describe BOKU's self-conception regarding ethical and legal conduct. These guidelines aim at prevention, transparency and reaction.

The objective underlying this guideline is to achieve that our university, its institutions and members in their entity do not only comply with all legal rules and prohibitions, but also act based on the university's socially acknowledged ideals and the BOKU-internal guidelines and moral concepts.

BOKU's anti-corruption guideline, issued December 4, 2014, contains the necessary codes of conduct and information on criminally relevant conduct within the framework of the corruption law.

II. Objectives

The following are the objectives of this compliance guideline:

- Making all BOKU members within the university as well as in relation to external partners aware of the basic principles and standards of behavior;
- Ensuring transparency of decision-making processes internally and externally;

- Strengthening social responsibility (scientific community), integrity and awareness raising;
- Supporting measures in the fight against corruption (in addition to BOKU's anti-corruption guideline from December 4, 2012);
- Sensitizing all BOKU members to fair and respectful conduct towards one another.

III. Relationship Ethics Platform – Compliance Guideline

The compliance guideline is a management tool while BOKU's ethics platform is concerned with general concepts of ethical conduct and plays an advisory function in this context.

IV. Who Is Affected by This Guideline?

This guideline is intended for all members at BOKU as each and everyone here bears a share of the responsibility for BOKU's reputation. At the same time, this guideline also aims at all those persons and organizations that have a close long-term relationship with BOKU.

The indented audience includes:

1. Managers
In this context, these do not only include the highest management body at the university but also involves the managers of organizational units, institutes and third-party funded projects,
2. All other staff members,
3. Assistant professors and lecturers,
4. Private lecturers,
5. Emerita and emeritus professors and retired university professors,
6. External examiners in teaching programs,
7. Research fellows (§ 95 UG),
8. External diploma and doctoral candidates supervised at BOKU,
9. University students,
10. Members of the university governing bodies, especially of the
 - 10.1. University Council
 - 10.2. Rectorate
 - 10.3. Senate
 - 10.4. Appointment Committee
 - 10.5. Habilitation Committee

- 10.6. Senate Committee of Study Affairs and Commission for Professional Studies
 - 10.7. Equal Opportunities Working Party
 - 10.8. Arbitration Board
 - 10.9. Other university committees
 - 10.10. both Work Councils as well as the Austrian Student Union at BOKU insofar as they perform responsibilities which were assigned to them by the University Law (not covered by this guidelines are tasks of the Work Council according to the Labor Constitution Act (ArbVG) and of the Austrian Student Union according to the Higher Education Act (HSG) 1998),
11. Third parties, when they continually or regularly perform tasks on behalf of BOKU:
- 11.1. Porters, security firms,
 - 11.2. Helpers and cleaning personnel,
 - 11.3. Different personnel working at BOKU on the basis of contractual agreements,
 - 11.4. Cafeteria operator and other culinary establishments at BOKU,
 - 11.5. Regular contract partners.

V. Fundamentals

All BOKU members are bound to lawful and honest conduct and should contribute to maintaining and improving the working atmosphere which is based on mutual respect and courtesy.

Each BOKU member must understand his/her responsibility for BOKU's reputation.

A. The obligation and the subsequent need to respect legal regulations mainly covers the following:

1. Compliance with

- All relevant laws, rules and regulations at BOKU as well as BOKU's Charter;
- Personal legally relevant regulations (laws and collective agreements) including employment agreements;
- Health and safety regulations at the work place:
The regulations of the Austrian employee protection legislation and the implementing provisions which have been issued as well as the internal safety regulations at BOKU must be respected for the protection of oneself, all other BOKU members and for liability reasons!
- Provisions on tender procedures;

- Revision ordering;
- BOKU guidelines (see <http://www.boku.ac.at/951.html>, or <http://www.boku.ac.at/qm-dokumentensammlung.html>) such as:
 - BOKU's house regulations and guidelines on safety, access conditions for especially threatened or hazardous devices, fire protection, radiation protection and regulations on events,
 - Anti-corruption guidelines,
 - Financial management guidelines,
 - Authorization guidelines:
 - Guidelines on issuing certificates of authority for project managers (§ 27 University Law)
 - Reimbursement of costs regulations according to § 27 para. 3 University Law
 - Regulations for legal transactions on BOKU's behalf according to § 28 University Law
 - Guideline on the use of financial resources taken from the "FWF Overheads"
 - Guideline on processing BOKU's participations (BOKU's spin off strategy),
 - Procedural arrangements for appointments and habilitation processes,
 - Guideline for the safeguarding of good scientific practice,
 - Evaluation guidelines (of organizational units and persons respectively),
 - University library guidelines for procurement of literature,
 - BOKU's IP strategy (Intellectual Property Rights Regulation);
- Obligation to confidentiality and data protection:
Unauthorized and unjustified disclosure of data and confidential and/or protected information of BOKU which must not reach the public in the interest of BOKU's tasks or for the protection of individual BOKU members – this includes sensitive data from ongoing research projects as well as essential contract details with third parties, but also personnel data – may not only lead to disciplinary and organizational actions but may also have consequences with regard to liability;
- BOKU's regulations on use, especially those for the university library and the ICT area;
- Charter of the respective department;

2. Acceptance of diversity. Therefore:

- Prohibition of any discrimination based on ethnicity, culture, religion, ideology, sex, age (both for being too old or too young), special needs or sexual orientation;
- Prohibition of sexual harassment in any form;
- Prohibition of bullying;

- Obligation to use gender balanced formulations in all documents (see § 7 FFP/Charter);

3. Fulfillment

of agreements in the employment contract which, for example, also includes the obligation to maintain work records.

B. In the frame of honest conduct in teaching and research the following principles must be self-evident for all BOKU members:

1. Compliance to the principles of good scientific practice

http://www.boku.ac.at/fileadmin/_unileitung/senat/RichtlinieSicherheit.pdf

Further information can also be obtained here:

- Ombuds-Center for Ensuring Good Scientific Practice (<http://www.boku.ac.at/fos-ombudsstelle.html>),
 - FWF / Commission for Scientific Integrity at the Austrian Agency for Research Integrity (plagiarism) (<http://www.oeawi.at/de/kommission.html>),
 - European_Charta_for_Researchers_(EU) http://ec.europa.eu/euraxess/pdf/brochure_rights/eur_21620_de-en.pdf;
2. Compliance with BOKU's Environmental Policies (<http://www.boku.ac.at/7521.html>);
 3. Decisions on personnel and factual issues are based on factual and transparent considerations (for employee selection in new admission processes we recommend the EU Code of conduct for the Recruitment of Researchers, see http://ec.europa.eu/euraxess/pdf/brochure_rights/eur_21620_de_en.pdf);
 4. Impartiality, reliability and integrity are taken for granted as are
 5. Compliance with the principles of appropriateness / sound financial management / economy in handling BOKU's resources;
 6. Considerate handling of BOKU's equipment.

C. For the avoidance of conflicts of interest between BOKU and self-interests the following is understood:

1. Paid second employments must be reported to the Rectorate prior to the start of the activities (see § 56 BDG and § 12 Univ.-KV respectively).
2. Maximum transparency for contract placing and personnel selection for employment to ensure equal opportunities. BOKU's procurement according to §§ 27, 28 University Law does not comprise independent contract placing to spouses / partners, relatives or companies one holds shares of. In such cases the superior is responsible for assignments.

3. Using BOKU personnel including student staff or material resources for non-university-related purposes (this includes, for example, private offices or companies, clubs, associations or parties) without strict organizational, labour law-related, temporal and cost separation must be avoided. This also holds true for one's own work capacity in the employment framework and for the use of university third-party funds.
4. The infrastructure and personnel of BOKU facilities (such as, for example, the mail administrating centre, and secretariat) may only be used for private purposes in crucial exceptional situations.
5. For reasons of liability, external persons may only temporarily and upon approval of the Rectorate act at BOKU (no "personnel submarines"). Trainees who do additional work for BOKU within their school or university education must be registered for social insurance.
6. External organizations, even if they are closely related (such as associations, clubs or societies, etc.) may only rent rooms at BOKU or receive organizational, administrative or technical support respectively according to the guidelines of the Rectorate on § 28 University Law, upon written approval of the Rectorate and against reimbursement of costs (no "submarines").

D. One focus in the frame of the compliance guideline is the handling of setup and possibilities of information and communication technology (ICT).

- The ICT infrastructure at BOKU may in principle only be used by BOKU members and only for their business purposes – insofar as it does not concern generally accessible IT equipment in the security sector (such as, for example, emergency telephones in elevators).
- To an appropriate level also private use of provided IT infrastructure is allowed insofar as it is not abusive, does not harm BOKU's reputation, does not include a connection to any illegal activities and does not oppose to the orderly operations at BOKU.
- The safety and efficiency of the ICT infrastructure may not be endangered by business or private use. Private use may not lead to significant additional costs. There is no legal claim to private ICT use.
- All BOKU members are obliged to adhere to all regulations and guidelines of the ZID, relevant employment agreements, as well as all regulations and guidelines related to the IT use at BOKU and any further usage principles of their organizational unit or other possible workplace-specific user regulations. This holds true for both professional and private use. By no means must ICT systems be used to access, compile, promote or pass on information that includes any illegal content and/or actions relevant in terms of criminal law or any other offense (such as, for example, racial hatred or glorification of violence) or immoral and/or discriminating texts (see also ZID's IT Policy:

<http://www.boku.ac.at/it-services/be-secure/security-good-practice-guidelines/>).

- Access authorizations for ICT systems may not be passed on without authorization.

VI. Additional and Special Regulations for Specific Groups of University

Members:

A) Managers

Managers do not only consider professional aspects in the execution of university duties but also remember that their personal behaviour sets an example for others. Integrity, correct conduct and social competence are expected.

Managers have

1. Organizational and supervision duties in teaching and research as well as within the management of the university;
2. Inspection duty regarding conformity to laws and regulations, especially regarding budget matters (including dual control);
3. The duty to give instruction and guidance (also for the purpose of preserving working capacities of staff members and complying with the requirements of the protection of employees);
4. The duty to supply information to staff and students. Managers also have the responsibility for
 1. The students under their professional supervision;
 2. The efficient and economic use of university resources (personnel, laboratories, equipment, financial resources) and must set goals that they themselves work towards and stick to exemplarily;
 3. Staff members (for their professional development based on the tasks determined in the workplace and job description as well as in appraisal interviews; and for ensuring suitable working conditions);
 4. The objective selection of staff members based on personal and professional qualification for the tasks that have to be performed;
 5. The realization of BOKU's efforts to increase the proportion of women employment (promotion of women commitment according to B-GIBG).

B) Students

1. Students are members of BOKU and have to integrate themselves into BOKU's operational organization. However, they are subject to different framework requirements than BOKU staff members.

2. The rights and obligations stated in this guideline, especially those specifications covered in part V. "Fundamentals", are also valid for students.
3. Also students are required to show careful handling of equipment and resources at BOKU. Adequate behaviour is expected for events, including those events organized by the Austrian Student Union.
4. In order to guarantee the rights of the students, there are also obligations that need to be considered. BOKU's institutions in cooperation with the Austrian Student Union are obliged to exert an influence on the students to comply with the obligations and watch over the rights of students stated in this guideline.

C) Emerita / Emeritus and Retired University Professors

Emerita / Emeritus and retired university professors should also remain associated with BOKU after the termination of their service. In a spirit of cooperation and mutual interest, the inclusion of this group of scientists requires the consideration of several rules:

1. Most rights and obligations that are immediately connected with the active employment automatically end at the time the professor receive the emerita / emeritus status or is retired respectively. However, the knowledge and experience should be preserved at BOKU. Thus, BOKU welcomes further scientific actions of these persons at their university within the framework of § 104 of the University Act and under the integration into the organization at BOKU.
2. Teaching in the framework of *venia docendi*:
There is the legal right to continue teaching and offer courses and exams at BOKU and supervise scientific work according to BOKU's statutes within this framework.
3. Conducting own research:
Generally, all emerita / emeritus and retired university professors at BOKU have the possibility to also pursue their own research activities in the framework of their *venia*. They can also use the support of relevant institutions at BOKU (also for *ad personam* projects according to § 26 University Law).
In this respect it is important to note that the use of rooms, equipment and other material expenses as well as the use of personnel needs to be approved in advance by the organization's management (department). It is recommended to clarify the required resources prior to the conclusion of contracts and the start of one's own research activities. It goes without saying that the regular teaching and research activities and the fulfillment of the tasks of currently active staff members at the respective departments and institutes must not be impaired by the activities of the emerita / emeritus or retired scientist.
4. Management of third-party-funded projects



For the implementation of research tasks in the name of the university (§ 27 University Law) the acceptance of orders (conclusion of a contract) and the possible integration of emerita / emeritus or retired professors lies within the responsibility and by that also the decision of the department's management. Once a professor receives the emerita / emeritus status or is retired, a continuation of a specific management position as well as an acceptance of a new project management position requires the explicit appointment by the Rectorate including special contractual agreements on the use of rooms, equipment, material expenses, personnel and reimbursement of costs. The internal relationship with BOKU therefore needs to be regulated project-related and requires an own authorization.

VII. Consequences in Case of Violations

It should be noted that the compliance with this BOKU guideline (as well as others) is considered an official duty or an obligation as BOKU member.

The violation of this compliance guideline and its underlying statutory provisions may lead to disciplinary or labour- and organizational-legal measures and the withdrawal of (authorization of usage or access authorization) rights within the framework of BOKU operations. This holds especially true for ICT authorizations.

VIII. Entry into Force

The guideline comes into effect after the approval by the Rectorate from June 24, 2014 and one day after the publication in the gazette at the University of Natural Resources and Life Sciences, Vienna.

Univ. Prof. DI Dr. Dr.h.c.mut. Martin Gerzabek (Rector)

Univ.Doiz. DI Dr. Georg Haberhauer (Vice Rector for Human Resource Management and Organizational Development)

Vienna, June 24, 2014

For your information we would like to point at the following documents below:

- ÖNorm ONRegel 192050 (fee-based)

<http://www.austrian-standards.at/infopedia-themecenter/specials/compliance>

This involves a compliance management system including a possible certification. In accordance with this, a compliance management system should include the following elements:

- Role of the organization's management
- Compliance officer
- Compliance risk assessment and measures
- Behaviour guidelines
- Training
- Effectiveness of CMS
- Communication

- Federal Public Corporate Governance Code (B-PCGK)

<http://www.bka.gv.at/DocView.axd?CobId=49430>

The objective of the B-PCGK is to make corporate governance and monitoring in publicly owned and semi-public companies more transparent and comprehensible and to more clearly define the role of the federal government and its dependent companies.