

Technical University of Munich

TUM Fundraising Code of Conduct

TUM Research Code of Conduct

TUM Dual Career Code of Conduct

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Preface

The Technical University of Munich (TUM) is obligated to freedom in research and teaching, science and art. This fundamental right, guaranteed by both, the Constitution of the Federal Republic of Germany (Article 5(3)) and the Bavarian Constitution (Article 108), is bound to patterns of behaviour that enable obstruction-free implementation thereof.

Based on conventional practice, the TUM Board of Management has enacted regulations that are professionally binding for all members of TUM:

- **TUM Fundraising Code of Conduct**
effective as of October 1, 2011
- **TUM Research Code of Conduct**
effective as of February 1, 2013
- **TUM Dual Career Code of Conduct**
effective as of December 1, 2016

The valid versions of the text have been available on the TUM homepage since entry into force. They have been compiled in printed form in the following pages. Violations against these regulations shall be sanctioned according to public service law regulations.

Wolfgang A. Herrmann



President

Munich, February 1, 2017

TUM Fundraising Code of Conduct

The Technical University of Munich (TUM) has enacted the following principles and guidelines for fundraising and endowments, which are binding all University members and TUM departments.

Principles

TUM is broadening its financial base through an expanded fundraising system (particularly through endowed professorships, grants, etc.) and via the TUM University Foundation (on the endowment principle). These two sources of third-party funding complement each other. Their purpose is not to raise funds for contract research, but to directly and indirectly support research, teaching, and the next generation of scientists on a not-for-profit basis.

The essential measures supported by the endowment concept comprise:

- Endowed professorships and institutes oriented toward agreed subject areas²
- Donations to the TUM University Foundation
- Contributions toward the Deutschlandstipendium (scholarships to support students) at TUM.

Donations are directed, according to the donor's preference, to:

- TUM (a state university and corporate entity constituted under public law),
- the TUM University Foundation (a foundation with legal capacity constituted under civil law),
or
- the Karl Max von Bauernfeind-Verein e. V. (a not-for-profit association established to support TUM).

All three institutions have not-for-profit status and are authorized in this regard to issue confirmatory certificates for research and educational donations. They administer these donations on the basis of written contractual agreements.

As a result of statutory provisions and tax regulations, intellectual property arising from the activities of endowed professorships, endowed institutes, and comparable

¹ Resolved by the TUM Supervisory Board on Nov. 23, 2011.

² Examples: Peter Löscher Chair of Business Ethics, Susanne Klatten Chair of Educational Research, Else Kröner-Fresenius Center for Nutritional Medicine, SGL Group Endowed Chair of Carbon Composites.

institutions remains the property of TUM and cannot be transferred, even in part, to the parties who endowed these institutions (in contrast to so-called contract research and Sponsoring).

The following guidelines define the framework requirements. These have been applied in practice for several years. Having proven their worth in establishing relationships of trust between numerous donors and TUM, they have been adopted by the TUM Board of Management in the TUM Code of Conduct, effective Oct. 1, 2011.

1. Ethical guidelines

The following principles apply to the provision of support for research and teaching, as well as social and cultural projects at TUM:

1. We respect the freedom of science and research. We ensure that the University is independent of any business or economic interests.
2. We uphold the reputation and integrity of TUM as a public educational and research institution.
3. We respect the legitimate wishes of our supporters with regard to matters such as the content orientation of the funded measures.
4. We treat our supporters with respect and appreciation and are committed to maintaining long-term contact in a spirit of trust.
5. We inform our supporters regularly on the progress of the projects supported by them and guarantee transparency in the application of funds donated or endowed.
6. We undertake to ensure that funds provided are used effectively and appropriately.

7. We observe the anti-corruption and data-protection regulations. Information or data entrusted to us will not be passed to third parties without the consent of those concerned.

2. Guidelines for endowed professorships and endowed institutes

1. Endowed chairs, institutes, and comparable institutions must be adequately and securely financed. The direct costs (personnel, investments, equipment funding, rental costs as applicable) are levied at a flat overhead rate of 20 %. As a result of binding TUM regulations, no exceptions can be made. Here TUM is applying the rate recommended by the DFG (German Research Foundation).
2. Contractual negotiations are conducted exclusively by the President or a fundraising representative authorized to act for him. Negotiations will commence once a concrete declaration of intent has been tendered specifying the purpose of the endowment, the time scale (generally 10 years), and the scale of funding. A draft contract will be submitted by TUM and negotiated with the benefactor.
3. TUM decides on the establishment of endowed professorships, endowed institutes, and comparable institutions. Endowed chairs are established, calls for applications are issued, and candidates are appointed in accordance with the provisions of the law.
4. Research and teaching are free in the endowed professorships and institutes and are not subject to any influence by those providing funding. Similarly, financial support shall not be linked to any expectation that TUM will in return enter into business or procurement transactions. The funding provider shall have no claim to exclusive use of the results of research.
5. Funding agreements are made in writing and certified by a notary.

6. TUM guarantees that funds will be applied for the intended purpose and will accordingly provide an account to the funding provider.

3. Governance principles of the TUM University Foundation

1. The TUM University Foundation is subject to state supervision (district government of Upper Bavaria).
2. The governing bodies of the Foundation ensure the fulfillment of its intended purpose and the preservation of its assets. They likewise ensure transparency in the work of the Foundation and make relevant information available to the public.
3. The members of the governing bodies of the TUM University Foundation regard themselves as trustees of the intentions defined by the benefactor. Their work is voluntary, and they are obligated to uphold the rules of the Foundation.
4. In arriving at their decisions, the members of the governing bodies of the Foundation set aside all self-interest. They disclose potential conflicts of interest and where appropriate waive any participation in the decision-making process, if this could affect their or their close family members' private interests.
5. The Management Board of the TUM University Foundation is the decision-making body and conducts the day-to-day business of the Foundation. As a supervisory body, the Foundation Council advises, supports, and oversees the Board. Members of the Council may not therefore also at the same time be members of the Board.

6. The effectiveness of Foundation programs is regularly reviewed, particularly with regard to the fulfillment of its mission and the efficiency with which funds are deployed.

7. Please also refer to the mission statement of the TUM University Foundation (see below).

For Technical University of Munich:



Wolfgang A. Herrmann
President
Munich, October 1, 2011

www.tum-universitaetsstiftung.de

TUM Universitätsstiftung (Mission Statement)

The world's best universities thrive on the best brains. In this context, competitiveness means appealing to the best talents. What makes the TUM attractive is its working and development environment that enables the most outstanding people in their respective fields to achieve first-rate scientific performance levels. It is in this ambience that our students actively experience the "Adventure of Research".

TUM benefited from the Excellence Initiatives by branching out and venturing along new paths in the face of international competition. By founding the TUM Institute for Advanced Study, we have established a center for a scientific elite. TUM succeeded in appointing a number of excellent professors from top universities in other countries. The impact of our elevated reputation is beginning to make itself felt among the younger academic generation: there has not only been a steep rise in the number of applications for degree courses and research positions but also a hitherto unseen influx from abroad. The TUM is well poised to become the most sought-after German partner for alliances with top universities around the world.

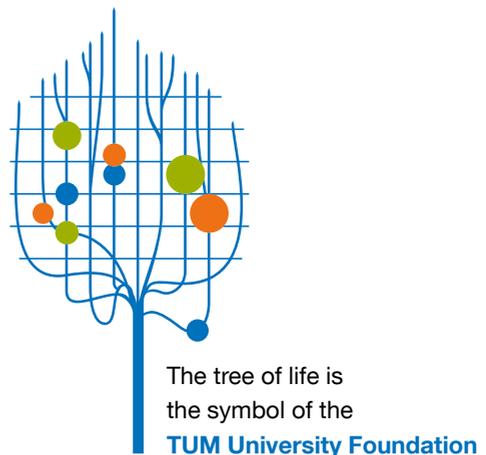
This dynamism must not be allowed to lapse. Not only does the TUM now have the historic opportunity to perpetuate its lead in Germany but also to move up and join the ranks of the top 20 universities worldwide – in the field of Engineering and Natural Sciences, Medicine, Life Science, Social and Political Sciences, and Economics. This cannot be achieved with the standard state budget alone, however.

It was against this backdrop that we set up the TUM University Foundation on July 22, 2010, as a foundation with legal capacity under civil law, with the purpose of turning the key features of the Excellence Initiatives 2006 and 2012 into a success story, spreading TUM's financial basis and, in particular, helping to acquire the best talents available in international academic circles. The foundation is designed as an „Endowment Foundation“. The utmost priority is given to appointing leading scientists from abroad and promoting the most promising doctoral candidates in the TUM Graduate School.

The TUM University Foundation liberates us from the constrictions of the state budget. It gives us more room for entrepreneurial manouvre. It sounds the signal that TUM enjoys the trust of both private and institutional benefactors whose own experience has taught them what competitiveness is and what it means for our country. The co-founders will become the role models for the alumni community which the TUM University Foundation pledges to support for a long time to come.

Contributions to the TUM University Foundation are non-profit in character with regard to the German tax law regulations, since the proceeds are exclusively being used for the purpose of research and teaching at the Technical University of Munich.

For further information, please go to
www.tum-universitaetsstiftung.de



TUM Research Code of Conduct

Technical University of Munich (TUM) hereby enacts the following principles and guidelines for preparation and execution of research and business collaborations. These principles and guidelines are binding for all University members.

Ethically impeccable research projects and professionally designed research and business collaborations with third parties constitute the foundation of the University's sustainable performance in teaching, research and transfer of technology. A culture of collaboration characterised by clearly defined principles reinforces the loyalty of highly-qualified scientists vis-à-vis their University, while at the same time strengthening the collaboration partners' trust in TUM.

The following basic principles are valid for all university members involved in research projects:

1. Loyalty

They conduct themselves loyally vis-à-vis their University, and they observe the fundamental values and interests of TUM in the execution of their research projects. The TUM Mission Statement serves as an appropriate orientation: (portal.mytum.de/tum/leitbild/index_html).

2. Independence

They strictly adhere to the anti-corruption rules and the guidelines for third-party funding of the Free State of Bavaria in the respectively relevant version¹, and they hold in high regard the freedom of science and research. Research and business collaborations are hereby excluded that are opposed to free-of-charge usage of research results and protective rights connected thereby for private scientific purposes of TUM and participants in the project in research and teaching.

3. Competence

They introduce their expert knowledge and conduct their research projects conscientiously and according to 'Best Standards' of science.

¹ Guidelines for third-party funding are to be found in the Service Compass under "Research and Third-Party Funds", "Execution of Research and Development Contracts of State Agencies outside the University Sector".

4. Integrity

They act with integrity in the application and execution of research projects as well as in the verbal and written reproduction of their research results in accordance with the guidelines for protection of good scientific practice and for dealings with scientific misconduct according to the ruling of the Academic Senate dated May 15, 2002. Academic honour disallows deceptive or misleading conduct.

5. Appreciation

They meet their research partners with respect and appreciation, connected with a trusting cultivation of the contact.

6. Ability to Accept Criticism

They view constructive criticism as something welcome and a beneficial component of their further scientific development.

7. Confidentiality

They maintain the confidentiality of information which they become aware of in the course of research projects and business collaborations. This information is used by them exclusively for the purpose of conscientious execution of their research mandate.

8. Conflicts of Interest

They avoid situations that could possibly lead to emergence of conflicts of interest. If necessary, they endeavour to bring about their dissolution by means of disclosure and renunciation of corresponding action. They exclude cooperation with different contractual partners who are in competition with one another regarding the same research topics, as well as the use of non-authorized information or materials.

9. Contractual Agreements

They do not independently transact contractual signatures with research and collaboration partners, insofar as no authority to sign has been conveyed. Contractual

agreements with third parties always involve the University in toto; as a public body and as State facility, TUM is publicly represented by the President; he has authority to convey power of attorney.

10. Project-Related Calculation of Costs

They apply, according to the imperative of economic activity, project-related full costs² as the basis for cost calculations in dealing with third parties. For all contractual services that can be equally performed by the private sector, they make use of normal market approaches and appropriate conditions. Price dumping vis-à-vis the private sector or public competitors as well is forbidden.

11. Transparent Use of Funds

They ensure effective and proper deployment of funds allocated to research projects, and inform collaboration partners and/or sponsors within their research project on a regular basis, depending on the agreement, concerning the progress of the projects supported by them. A research project's revenues and financial obligations to third parties are administrated by them exclusively through a designated endowment fund at TUM.

12. Intangible Assets (IA) including Intellectual Property Rights (IPRs)

In the event of emergence of intangible assets³, they orient themselves to the regulations of TUM Patent Policies⁴. For the case of property right conveyances to third parties (e.g. business collaborations), they support the joint applications of TUM for patent and/or application for trademark protection. In the process, they observe the interests of the University as avidly as those of the participating TUM members.

13. Ethics in Science

They involve themselves only in those research projects that are compatible with the legal provisions and the ethical principles of TUM (TUM Mission Statement). They take all appropriate precautions in order to protect the safety and health of project participants. Research projects subject to authorisation (e.g. human and/or animal experimentation) are carried out only after release by the respective commission, such as the ethics commission.

² Full costs are determined as an overhead calculation pursuant the simplified calculation procedure for contract calculation according to EU-Community Framework.

³ Legally protectable work results/developments such as inventions, computer programs, aesthetic form creations, labels

⁴ Regulations of TUM patent policies can be found at: www.forte.tum.de/technologietransfer/tum-patentpolitik

14. Equal Opportunity

They support equal opportunity in the selection of employees earmarked for work on research projects. They avoid discrimination (according to, for example, gender, origin, religion or age), and they examine all qualified individuals in the selection of project participants with the necessary objectivity.

15. Resolution of Conflict

They consult with their University when they identify bilateral unresolvable conflict situations with collaboration partners. In case of doubt, they inform the President, who then must faithfully follow through on his professional obligation to help.

For Technical University of Munich:



Wolfgang A. Herrmann

President

Munich, February 1, 2013

TUM Dual Career Code of Conduct

Policies concerning the employment of spouses, life partners as well as relatives at the Technical University of Munich (TUM) in the course of appointment and retention procedures

Preamble

Along with the recruitment of top performers, particularly university professors, in many cases requests of spouses and life partners, concerning their employment opportunities are to be considered. For spouses and life partners of appointees, the MUNICH DUAL CAREER OFFICE (MDCO) of the Technical University of Munich (TUM) coordinates suitable employment possibilities in the Greater Metropolitan Area of Munich – preferably outside TUM.

The Dual Career Service of MDCO pursues the goals of enabling a mutual living and working location for dual career couples, of making use of the partner's potential in this scientific and economic region, and of sustainably supporting his/her integration in Munich. The extensive MDCO network renders valuable services in this regard.

Provided that, as an exception, employment at TUM is being pursued for a spouse, life partner or relative of TUM employees, conflicts between the interests of the TUM employee and private interests are exclusionary.

TUM hereby decrees the following binding policies for employment of spouses, life partners and relatives in the course of appointment procedures.

§ 1

Spouses or life partners of a TUM appointee are, without exception, to be employed in such a manner that they are not subordinate or superordinate to one another; artificial constructs (fraudulent arrangements) are not allowed. The same is true of relatives by marriage or individuals related to the second degree.

§ 2

If a contract of marriage or a life partnership or a family relationship (in-law relationship by marriage or relationship to the second degree) arises between an appointee and an employee of TUM, § 1 shall likewise be valid.

¹ Pursuant article 3 section 2 of the German Basic Law, women and men are equal. All personal titles and/or job titles refer equally to women and men. This serves only to improve the legibility of the text.

² The designation "life partner" is not limited to registered life partnerships according to the Civil Partnership Act.

§ 3

The spouses, life partners or relatives must inform the President or Senior Vice President Administration and Finance, as supervisors, of the marriage, life partnership or family relationship. In the event of an intended employment, this must be disclosed to the President or the Senior Vice President Administration and Finance in advance.

§ 4

If the employment of the spouse, life partner or a relative of the TUM appointee is at issue, the following policies are valid for the selection and recruitment procedures:

- (1) Posts that are to be filled are, in principle, competitively tendered. The appointment procedure is to be executed openly and transparently.
- (2) Spouses, life partners or relatives must apply for a tendered post and must undergo the standard application process as an equal among all other applicants. Equitable selection and recruitment criteria are valid (eligibility, performance and qualification). Appointment ensues according to labour law provisions.
- (3) If spouses, life partners or relatives are employed as scientific personnel, standard procedures for verification of the scientific qualifications are valid.
- (4) The legal exclusion and prejudice regulations pursuant articles 20 and 21 of the Bavarian Administrative Procedure shall be applicable (Bayerisches Verwaltungsverfahrensgesetz).

§ 5

Confidential information that is made known to the involved individuals in the context of their employment at TUM may not be shared with each other.

§ 6

These policies enter into force on December 1, 2016.



Wolfgang A. Herrmann
President

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