

English is not an official language of Switzerland. This translation is provided for information purposes only and has no legal force.

Regulations for the Compliance Committee of the Swiss National Science Foundation

of 1 March 2013

Based on Article 32 paragraph 3 of the Statutes and after consultation with the Presiding Board of the Research Council, the Executive Committee of the Foundation Council issues the following Regulations:

1. Purpose of the Regulations

The Regulations for the Compliance Committee set out the objectives of compliance within the SNSF and the composition and responsibilities of the Compliance Committee.

2. Principles and objectives

The SNSF strives to implement a reliable, fair, impartial and transparent evaluation procedure. In so doing, it meets the provisions set out in the law, the Statutes and the regulations as well as international standards and internal guidelines.

The Compliance Committee supports the Executive Committee of the Foundation Council in its supervisory function with regard to the scientific activities of the SNSF.

In addition, it supports the National Research Council, the Presiding Board of the National Research Council and the Administrative Offices in guaranteeing the quality and legitimacy of the funding decisions for which these bodies are themselves responsible within the scope of their competencies and tasks.

3. Reporting and composition

The Compliance Committee reports to the Executive Committee of the Foundation Council.

3.1 Composition

The Compliance Committee has five members. Competence and independence are key criteria for membership of the Compliance Committee.

As a body, the members of the Compliance Committee are well-acquainted with the SNSF and with research funding in general, very competent in scientific matters and have in-depth professional knowledge in the area of compliance.

The person responsible for compliance within the Executive Committee of the Foundation Council assumes the presidency. All other members are elected for a period of office of four years by the Executive Committee of the Foundation Council based on a recommendation from the president. The period of office may be extended once. At least two members must not be members of SNSF bodies during their period of office. It is desirable to have one representative from abroad as a member, provided that knowledge of the research landscape in Switzerland can be guaranteed within the Compliance Committee.

3.2 Independence

Neither members of the National Research Council and of other evaluation bodies of the SNSF nor employees of the Administrative Offices may be elected as members of the Compliance Committee.

The rules on withdrawal (recusal) pursuant to Article 5 of the Organisational Regulations for members of the Research Council apply *mutatis mutandis* to members of the Compliance Committee. If a member of the Compliance Committee can no longer guarantee his/her independence, he/she shall step down. The Executive Committee of the Foundation Council may exclude members who do not step down after no longer being able to guarantee their independence.

3.3 Meetings

The Compliance Committee meets at least twice a year. Three members constitute a quorum. If no consensus is reached, the majority of the members present shall decide. In the event of a tie, the president has a casting vote.

The president of the Compliance Committee may invite further persons, in particular, members of the National Research Council and/or employees of the Administrative Offices to attend meetings in an advisory function.

The Executive Committee of the Foundation Council, the president of the National Research Council, the Executive Management of the Administrative Offices and the directly affected divisions, specialised committees or organisational units of the Administrative Offices are informed about the results of meetings.

4. Tasks and competencies

The Compliance Committee systematically assesses the legitimacy and adequacy of funding decisions as well as the organisation of compliance (totality of measures for guaranteeing legitimacy and adequacy) and proposes improvements. It adopts a risk-oriented approach and carries out the following tasks, in particular:

- It examines and assesses compliance with the rules set out in the law, the Statutes, the regulations and internal guidelines.
- It examines whether the scope for decision-making is used equitably and in accordance with the principles of the evaluation procedure as defined in the Statutes, the regulations and the guidelines.

- It examines and assesses measures for guaranteeing the legitimacy and adequacy of funding decisions (compliance organisation) and proposes improvements.
- It offers advice on the risk assessment of the SNSF and points out gaps in risk management with regard to the scientific activities of the SNSF.
- It points out additional information or training needs of the employees of the Administrative Offices, the members of the National Research Council or other persons involved in the evaluation procedure.
- It may execute special tasks on behalf of the Executive Committee of the Foundation Council.

The Compliance Committee must not assume or execute any line functions. Advisory or supporting tasks are permissible, provided that the independence of the Compliance Committee is not compromised at any time.

4.1 Planning and execution of the examination

Based on the strategic objectives, the organisation-wide risk assessment of the SNSF and its own risk analysis, the Compliance Committee defines the main areas of its compliance examination and compiles a plan of activities each year for attention of the Executive Committee of the Foundation Council. The Foundation Council, the National Research Council and the Administrative Offices may submit proposals for the plan of activities to the president of the Compliance Committee. The plan of activities sets out both the main areas for examination and the methods to be used. It is coordinated with the internal audit unit. The Presiding Board of the National Research Council and the Administrative Offices may comment on it. The plan of activities is approved by the Executive Committee of the Foundation Council.

The Executive Committee of the Foundation Council makes a decision with regard to any special tasks in consultation with the Presiding Board of the National Research Council and the Executive Management.

4.2 Reporting

The Compliance Committee reports once a year to the Executive Committee of the Foundation Council on the examination, its results and any recommendations. The results are presented objectively, clearly, unambiguously and in a manner that takes into account the personal rights (anonymisation) of those concerned.

The Presiding Board of the National Research Council and the Extended Executive Management shall receive the draft report for their information and may comment on it. The divisions and specialised committees as well as the organisational units of the Administrative Offices concerned shall receive the extracts relevant to them and may comment on them. Their comments shall be integrated into the report for attention of the Executive Committee of the Foundation Council. The president of the Foundation Council, the Executive Management and the external and internal auditors shall receive a copy of the report.

4.3 Individual cases

Should the Compliance Committee discover any extraordinary occurrences that, in its view, call for rapid measures to be taken, it is obliged to report such occurrences as appropriate to the president of the Foundation Council or to the president of the National Research Council and the Executive Management without delay.

4.4 Implementation

The Presiding Board of the National Research Council and the Executive Management of the Administrative Offices are responsible for defining and implementing the measures. They shall report periodically to the Executive Committee of the Foundation Council.

4.5 Delimitation

The Compliance Committee examines the funding activities of the SNSF and not the activities of the applicants and grantees, i.e. it does not address the problem of scientific misconduct. As opposed to the internal auditors, which examines the administrative aspects of funding decisions, the Compliance Committee examines the quality of the funding decisions in scientific and legal terms.

4.6 Right to information

The Compliance Committee has access to all information that is relevant to the execution of its tasks. Confidential information on applications submitted by members of the Compliance Committee is excluded from this provision. The president of the Compliance Committee liaises between the Compliance Committee and the Executive Committee of the Foundation Council. The Compliance Committee and the internal auditors provide each other with information that is necessary for the execution of their tasks.

5. Support of the Compliance Committee

The Administrative Offices set up a scientific and administrative Compliance Secretariat to support the Compliance Committee. The Compliance Secretariat is represented in the Compliance Committee without having the right to vote.

The Compliance Committee may delegate tasks to the Compliance Secretariat of the Administrative Offices within the scope of the resources envisaged for such delegations. The president of the Compliance Committee is authorised to issue instructions to the Compliance Secretariat.

Within the scope of its plans of activities, the Compliance Committee may provide for external analyses and file a request for the corresponding resources with the Executive Committee of the Foundation Council.

6. Confidentiality

Members of the Compliance Committee and other persons who attend meetings of the Compliance Committee must treat as strictly confidential all reports and documentation as well as the content of all discussions and other confidential information of which they become aware through the Compliance Committee. This obligation to maintain confidentiality continues to apply once their activities and their period of office as members of the Compliance Committee have come to an end.

7. Entry into force

These Regulations enter into force on 1 May 2013.