



University of Tübingen guidelines on the acceptance of rewards, gifts and other benefits (gratuities)

Preliminary remarks:

The first part of these notes (Part I, nos. 1-4) describes the electronic reporting and approval procedures via e-workflow and defines what benefits are.

The second part (Part II, nos. 5-11) provides further legal information on dealing with benefits.

Part I: Reporting and authorization procedures

1. Why are there reporting and authorization procedures?

As a public corporation and state institution, the University of Tübingen is part of the public administration bound by law. The public's trust in the objectivity and integrity of employees is essential for the fulfillment of tasks and the reputation of the University. Any appearance that employees may be susceptible to personal gain in the course of their professional activities must be avoided. Gifts and other benefits to employees of the University are therefore only permitted within very narrow, legally prescribed limits (basic prohibition of acceptance, see no. 6; for the legal basis, see no. 12), which in recent years have been further specified by the Baden-Württemberg Ministry of Science, Research and the Arts (MWK). Depending on the type and value of a benefit, benefits must be reported (notification) or an approval procedure is required.

These guidelines are intended to support employees of the University of Tübingen in the correct handling of benefits. They thus serve to protect employees and are intended to help identify attempts at manipulation and corruption risks at an early stage, and to avoid violations of the law.

At the same time an uncomplicated, IT-supported procedure for the legally-compliant reporting of benefits will be introduced at the University of Tübingen. The following **e-workflows** are provided; they facilitate notifications and applications for approval (except those from the Faculty of Medicine, see below) at <https://eworkflow.uni-tuebingen.de>: (The e-workflow is only available in German).

Notification of acceptance of a benefit / gift

(up to a value of 35 euros, not for gifts from individual students / doctoral candidates, for this see no. 2.1):

https://eworkflow.uni-tuebingen.de/form/zv_dez1_zuwendungen

Application for approval to accept a benefit / gift

(for a value over 35 euros or from individual students / doctoral candidates see no. 2.2):

https://eworkflow.uni-tuebingen.de/form/zv_dez1_genehmigung_zuwendung

Application for approval to accept an (academic) prize (**prize money**) (see no. 2.3):

https://eworkflow.uni-tuebingen.de/form/zv_dez1_genehmigung_preisgeld

There will soon be separate e-workflows for employees of the **Faculty of Medicine**. Until then, please contact the Dean's Office at the Faculty of Medicine.

Benefits that require **neither a notification nor an application for approval** are outlined in no. 3.

2. When do the procedures take place?

2.1 Benefits which must be reported

Benefits **up to a value of EUR 35** may generally be accepted; however they must still be **reported** to the responsible office in accordance with the MWK guidelines. This obligation to notify does not apply to mass promotional items and the other cases listed under no. 32.6 BeamtVwV (see no. 3 below).

Exception: Benefits from an **individual student** (including doctoral students, regardless of whether they are enrolled) may not be accepted without separate approval (see no. 2.2); a benefit up to the value limit that does not require approval may only be given jointly by several students.

Notification is carried out via **e-workflow**:

https://eworkflow.uni-tuebingen.de/form/zv_dez1_zuwendungen
(access using your University login).

Approval is not required: up to a limit of EUR 35, consent to accept the gratuity is generally granted (no. 32.15 BeamtVwV in conjunction with MWK circulars of 26.05.2023, Az. 14-0301.4-2/1/3, and 19.08.2024, Az. 14-0301.4-2/16/2).

The **value limit** applies per employee per calendar year and per funding provider. For example, a university lecturer may receive gratuities of up to EUR 35 per year from company A and from company B as well.

Gratuities from members of a **group of persons** (e.g. semester or project group) or members (e.g. employees) of a third party (e.g. companies, facilities, institutions, third-party donors, other donors) are attributed to all persons belonging to this group or third party. The gratuities from all associated persons together may not exceed the value limit of EUR 35.00, otherwise separate approval in accordance with no. 2.2 is required. If, for example, a university lecturer receives a gratuity of EUR 25 from an employee of a company, he or she may only accept a further benefit of EUR 10 from another employee of the same company without separate approval. In the case of gifts from related **companies**, the respective legal form must be taken into account, i.e. if a stock corporation is a shareholder of two limited liability companies, the value limit applies to the individual limited liability companies.

If the **value limit** of EUR 35.00 is **exceeded** by one or more gratuities together, approval (see no. 2.2) is required for acceptance of the gratuity(gratuities) exceeding the limit.

2.2 Benefits which must be approved

Otherwise, gratuities may only be accepted if the supervisor has given his or her approval in each case.

a. Application for approval

Approval must be applied for in good time before accepting a grant. Application is carried out via **e-workflow**:

https://eworkflow.uni-tuebingen.de/form/zv_dez1_genehmigung_zuwendung
(access using your University login).

If this is not possible for factual reasons (e.g. a gift is presented unexpectedly), consent must be requested immediately afterwards. If the application is submitted retrospectively, acceptance must generally be subject to the reservation that the gift/gratuity will be returned if acceptance is not approved (32.5 BeamtVwV). The employee may not dispose of the gratuity until a decision has been made on the application.

Approval does not have to be requested if there is a case of generally granted approval (e.g. mass promotional items or benefits below the value limit, see nos. 2.1, 3 - obligation to notify if applicable!). If there is any doubt as to whether the acceptance of a gratuity is subject to approval or whether a case of generally granted approval exists, you must apply for approval.

The **application for approval** must be submitted for each individual case. All circumstances relevant to the decision must be communicated in full (no. 32.5 BeamtVwV).

b. Decision on approval

Consent to accept a gratuity may only be granted if:

- 1st acceptance of the gratuity is not already generally inadmissible (e.g. in the case of gifts of money in accordance with no. 32.5 sentence 2 BeamtVwV [with the exception of (academic) prizes, see no. 2.3 below] or gratuities that violate laws or other regulations, e.g. compensation for an official act), and
- 2nd the gratuity is not made from public funds or comes from commercial enterprises in which the public sector has a major shareholding (exception: in the case of (academic) prizes, see below), and no. 2.3), and
- 3rd the acceptance of the gratuity does not impair or influence the objective performance of the employee's duties or official activities, and
- 4th the acceptance of the gratuity cannot give the donor or a third party the impression of partiality or venality, and
- 5th there is no recognizable and unequivocal intention on the part of the giver to influence the employee's official actions.

These requirements must be carefully examined.

Consent otherwise depends on the specific circumstances of the individual case, applying strict standards. The fundamental importance and protective purpose of the prohibition of acceptance must be taken into account. The mere fact that the acceptance of certain gratuities is customary outside of public administration, particularly in the business sector, cannot justify consent to acceptance. A particularly strict standard must be applied in the case of gratuities in connection with official activities (e.g. examinations, awarding of grades, conclusion of contracts). In the case of personal gifts in connection with official contacts with foreign government agencies, it may be relevant whether the gifts can be rejected in accordance with international practice.

Consent is given electronically via the workflow and communicated by e-mail. The process is documented in the workflow.

Approval may be granted **subject to the condition** that the gratuity be used for official purposes or that the gratuity be transferred to the University of Tübingen, one of its institutions or another institution within the meaning of no. 32.8 BeamtVwV (social institution, legal entity under public law).

If subsequently requested consent is refused, the gratuity must be returned to the giver, unless

1st the return would be considered a breach of the general rules of social courtesy or

2nd the giver has refused or is very likely to refuse to take back the gratuity or

3rd the return would involve an expense that is disproportionate to the objective value of the gratuity.

In the aforementioned cases, the gratuity must be handed over to the University and specifically to the supervisor, who will decide on its further use.

In such cases, the giver should be informed accordingly.

2.3 Gratuities which must be approved – (academic) prizes

Approval is also required for the acceptance of a prize that is endowed with prize money earmarked for the recipient's use. The **application** for approval must be submitted via the **e-workflow**:

https://eworkflow.uni-tuebingen.de/form/zv_dez1_genehmigung_preisgeld
(University login required)

The procedure in no. 2.2 applies, with the following special features:

In accordance with Ministry requirements, the application for approval must also be accompanied by information and supporting documents on the following questions (details can be provided in the e-workflow), which must be carefully examined as material requirements for approval:

1. Which organization is awarding the prize?

2. What are its objectives, who are its members?
3. Could it or one of its members benefit from the prizewinner's office?
4. Where do the prize money and any other benefits come from?
5. Is the prize awarded in a fair and transparent procedure?
6. Is the selection made by a neutral and expert jury?
7. Is the selection decision based on purely academic criteria?

In the case of prizes, according to the Ministry, money may also be accepted in exceptional cases (notwithstanding no. 32.5 sentence 2 BeamtVwV) with the appropriate consent.

In the case of prizes, according to the Ministry, there is no obstacle to accepting a prize if the **prize money comes wholly or in part from public funds**.

3. When is no reporting procedure required?

The following gratuities may be accepted without the need for approval or notification, as approval is already generally regarded as having been given (see no. 32.6 BeamtVwV):

1. minor gratuities of little value which are generally not problematic (for example, mass promotional items [or giveaways] such as calendars, ballpoint pens, writing pads, provided that these are simple items),
2. minor advantages which facilitate or speed up the performance of an official transaction (for example, being picked up by a vehicle from the train station),
3. Gifts from the employee's circle of colleagues (for example on the occasion of a birthday or service anniversary) to the usual extent, hospitality on the occasion of or on the occasion of official activities, meetings, inspections, visits, specialist events or the like, if they are customary and appropriate and are based on the rules of conduct and courtesy which the employee cannot evade without violating social norms. The appropriateness is based in particular on the employee's function and the context of the event (e.g. occasion, duration, location, content, group of participants),
- 4.
5. usual and appropriate hospitality at general events in which the employee participates as part of his or her official duties, on official assignments or out of social obligations resulting from official duties (e.g. introduction and farewell of officials, official receptions, social and cultural events that serve to promote official interests, anniversaries, inaugurations).

Permission to accept **hospitality** does not release the employee from providing information in accordance with the relevant travel expense regulations. Furthermore, particularly with regard to the reimbursement of entertainment costs for guests of the University of Tübingen, reference is made to the guideline on the reimbursement of entertainment and representation expenses within the framework of budgetary and third-party funds.

With these generally approved gratuities, the employee must pay attention to whether the person making the gift makes several gifts and, against this background, the gratuity should therefore be refused or reported to the supervisor.

4. What constitutes a gratuity?

Rewards, gifts and other benefits, collectively referred to as gratuities, are all benefits that objectively place the recipient in a better position in material or immaterial terms and to which the employees concerned have no legal entitlement. This includes money (including prize money), tangible assets and monetary benefits including services.

Money (in cash, by bank transfer) may not be accepted. The only exception: prize money for an academic or artistic achievement, see no. 2.3 below.

Tangible assets include, e.g., jewelry, chocolates, spirits, birthday and Christmas presents and other gifts of any kind.

Services of monetary value include in particular:

- the provision of vouchers, e.g. admission tickets, general entry tickets, telephone cards, debit or credit cards; or of items (e.g. machines, vehicles, laptops) for private use or consumption without payment or for less than the usual cost,
- special discounts for private transactions (e.g. interest-free or low-interest loans, guarantees, arranging shopping opportunities at preferential prices),
- the granting of price reductions,
- other discounts (e.g. private redemption of bonus miles),
- the provision of train or flight tickets or taking them along on trips,
- the provision of hospitality or accommodation,
- the invitation to entertainment events,
- training course gifts, conference gifts,
- inheritance benefits (bequests or inclusion as heir).

An advantage may also exist if the employee is entitled to consideration (for example from an approved private secondary employment), but that service is not proportionate to the consideration granted.

Differentiation from third-party funding:

Gratuities from third parties (e.g. tickets, flight tickets, hotel accommodation provided for work trips) can be third-party funds. The acquisition of third-party funds is not a case of the acceptance of gratuities under § 42 BeamtStG or § 3 TV-L.

Third-party funds may only be acquired and used in accordance with the provisions of the LHG and the administrative regulations for the acceptance and use of third-party funds. Only after the third-party funds have been accepted by the President's Office may they be paid

directly into a University third-party funds account and used. Third-party funds may only be used for the purpose of fulfilling the tasks incumbent upon the universities according to § 2 LHG and for research, teaching, study, further education, maintenance and development of academic knowledge. Funds for purposes that are not part of the University's tasks and gratuities that are given to a member of the University for private purposes rather than for official purposes are not third-party funds.

Part II: Legal notices:

5. Applicability

These instructions refer to gratuities from third parties to employees of the University of Tübingen. They apply to all University employees, regardless of their type of employment relationship (civil servant; public-sector employment relationship, e.g. employees, interns, trainees). The Minister of Science is responsible for assessing gratuities made to full-time members of the President's Office (§ 11 (5), 1 LHG). The University is responsible for all other members of the University's senior management; these instructions apply to them.

These instructions do not apply to

- the acquisition, acceptance and use of third-party funds for the University of Tübingen (see no. 4 above),
- services provided by natural or legal persons to promote the activities of the University of Tübingen (sponsorship, donations and other gifts),
- research allowances in accordance with § 60 Landesbesoldungsgesetz and § 8 of the ordinance of the Ministry of Science, the Ministry of the Interior and the Ministry of Justice on performance-related pay and research and teaching allowances for professors, and heads and members of management bodies at universities (LBVO),

for which separate regulations and procedures apply.

6. Principle: Gifts may not be accepted

Civil servants (Beamte) and public sector employees may not accept any rewards, gifts or other benefits (gratuities) in relation to their office or activity; nor may they ask for or be promised such gratuities (prohibition of acceptance, § 42 BeamStG and § 3 TV-L).

Exceptions require the consent of the supervisor.

The ban on acceptance also applies to retired civil servants, emeritus professors and former civil servants. The ban on acceptance also extends to **benefits provided to third parties**. It therefore does not matter whether these benefits are intended for the employees themselves or for others (e.g. family members, acquaintances, colleagues, their own sports club, etc.). Any intended transfer to third parties (e.g. social institutions, "for a good cause" or for community events such as a Christmas raffle) is not relevant here.

Anyone who could influence employees, both inside and outside the University, may constitute a **giver of gratuities**. Colleagues and superiors are also included.

A connection to the office or activity (official connection) exists if the person giving the gratuity is determined or influenced by the fact that the employee holds or has held a certain office or performs a certain activity. A general official connection, such as the official position of the person employed, is sufficient. Any connection to a specific official act is not necessary. A connection to secondary activities or public honorary positions that are related to official duties is also sufficient. An official connection also exists in the case of awards and prizes from third parties for services rendered in the course of service (e.g. literary or academic prizes). A benefit is also assumed to be service-related if no other reasonable reason for it can be found.

Benefits or discounts that are generally granted to all members of the public service, members of professional or trade union associations or a general professional group to which the civil servant belongs (for example, all employees of a public authority) are not granted in relation to the office or activity.

Acceptance means the actual receipt of the gratuity. Coherent behavior is sufficient. Any private or professional use or exploitation constitutes acceptance. Passing on to third parties also constitutes acceptance.

7. Further obligations re: gratuities

Employees must inform their superior immediately and without being asked if they are offered gratuities or if an attempt is made to influence their work by offering rewards, gifts or other benefits (cf. no. 32.9 BeamtVwV). Notifications may be addressed to the competent authority (see no. 8).

8. Supervisor / responsible authority

The processing of incoming applications via the e-workflow is carried out by a unit in Division I of the Central Administration (or the Faculty of Medicine), which has been commissioned by the President and the Executive Vice-President as the respective supervisors to perform these tasks fairly. Notifications under no. 7 of these instructions can be addressed to the Central Administration, Division I, Division Head, or to the Dean or Faculty Management of the Faculty of Medicine.

9. Compliance with other regulations

Other regulations, in particular the regulations on travel expenses law (e.g. submitting a business travel application, information regarding business travel accounting), the regulations on secondary employment law (e.g. notification of secondary employment) and the tax law provisions remain unaffected.

10. Legal repercussions in the event of violation

Violation of the prohibition on accepting rewards, gifts and other benefits constitutes a breach of duty or a breach of contractual obligations. The consequences of such a violation under employment law may extend to removal from the civil service or extraordinary dismissal. The

violation may also result in criminal consequences. In addition, if the conduct of the person concerned has caused damage to the University, he or she may be held liable under civil law for the damage.

11. Documentation and obligation to report

The University must report to the Ministry (MWK) on gratuities accepted in the previous calendar year by March 15th of each year and whose acceptance was approved by the University. A form provided by the Ministry with an anonymized breakdown (number of gratuities per calendar year, by type of recipient, by type of giver, by type of gratuity) must be used for this purpose.

All processes recorded via the workflows are documented and stored for a maximum retention period of three years and two months in order to be able to identify potential undesirable developments in good time and respond to them. The data records of a calendar year are deleted in a bundle after 3 years and two months from the end of that calendar year.

12. Legal notices

Gratuities to University employees are determined in particular by the following regulations:

- § 42 BeamtStG
- no. 32 BeamtVwV
- § 3 (TV-L)
- Ministry of Finance and Economics guidelines on labor and collective bargaining law, social security law, supplementary pension law
- State government administrative law and the Ministries for the prevention of unlawful and unfair influence on administrative action and for the prosecution of related criminal and official offences (VwV Korruptionsverhütung und -bekämpfung) §§ 331 ff. of the Criminal Code (StGB)
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- Baden-Württemberg Ministry of Science, Research and the Arts (MKW) decrees and instructions

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