

Directives of the University Board of Directors concerning the use of vehicles owned and hired by the University

The University Board of Directors,

in accordance with art. 39 para. 1 item k of the law governing the University of 5 September 1996 (UniG),

decrees:

The operation of the University involves the use of numerous vehicles owned and hired by the University. To ensure that these vehicles are used as safely as possible, and thereby to prevent personal injury or material damage, appropriate standards must be established in respect of the running, maintenance and use of the vehicles, and with regard to the drivers of the vehicles. Furthermore, the insurance situation must be optimally organised so that the financial risks of any loss or damage are kept as low as possible. In this regard the University follows the provisions of the risk and insurance guideline together with the insurance strategy for the whole of Canton Bern.

For the above reasons, the University Board of Directors wishes to create a uniform set of rules relating to the running and maintenance of vehicles, the drivers of the vehicles, insurance regulations and the driving of university vehicles abroad. The University Board of Directors therefore issues the following directives, which shall apply to the whole University and to all Faculties, Institutes and other organisational units of the University of Bern.

These directives shall be effective immediately.

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1. Aim, scope, responsibilities

1.1 Aim of the directives

The following directives are issued with the aim of creating a set of uniform rules for the safest possible use of University vehicles, and the optimal, transparent organisation of the insurance situation. They apply to the whole University, and to its Faculties, Institutes, Clinics and other organisational units.

For the sake of simplicity, the term “Institutes” is used below; however, the Clinics and Sections outside the Faculties (e.g. within the University’s Central Administration) are expressly deemed equivalent to the Institutes.

1.2 Scope of the directives

These directives must be complied with on business trips undertaken in University vehicles (vehicles owned and hired by the University). University vehicles that are financed by third-party funds are likewise covered by these directives. They also cover the private use of University vehicles (see chapter 8 below).

1.3 Responsibilities

The Institute regulates the acquisition, running, servicing, repair and control in accordance with the rules set out in these directives, and ensure that vehicle users are familiar with these

directives, which must be left in the vehicle. The Institute will carry out random inspections to monitor compliance with the specifications.

1.4 Person responsible for the vehicle

The Institute will appoint a member of staff to be responsible for its official vehicles and for the implementation of the present directives (hereinafter referred to as the “vehicle officer”). A vehicle officer may be responsible for a fleet or for a specified vehicle only. The Institute may accordingly appoint a number of vehicle officers to be responsible for all of its vehicles. It is imperative that a vehicle officer is allocated to each vehicle.

If the vehicle is used abroad, a local vehicle officer must be appointed (usually the project supervisor). The persons responsible must be recorded on a list at the Institute, and a current version of this list must be available and submitted to the Facilities Management Section at the end of each calendar year. Responsibilities must be added to the job description.

2. Registration of University vehicles

2.1 Registration by the Facilities Management Section

The Facilities Management Section is the registered keeper of all University vehicles. Registration of vehicles is done in each case through the Facilities Management Section. Insurance documentation is obtained by the Facilities Management Section.

2.2 Purchase of vehicles

Institutes will purchase or hire vehicles by means of a business loan or through external loans. Copies of applications for purchase and hire agreements must be sent to the Facilities Management Section.

3. Maintenance of vehicles

3.1 Maintenance

The vehicle officer is responsible for the prescribed maintenance (service inspections, tyre profile, oil levels, cleanliness, suitability for winter use, air pressure, etc.). Service inspections must be carried out in accordance with the vehicle service manual (manufacturer's specifications). Fluid levels (engine oil, brake fluid, coolant, screen wash, etc.) must be checked regularly and topped up if necessary. Tyre profiles must be checked regularly, especially if the vehicle is used off-road. Tyres must be inspected for damage, which can

occur particularly with off-road use. Exhaust emission tests will be conducted on the basis of the legal regulations. The vehicle officer must ensure that the vehicle is equipped with a current motorway permit. The vehicle officer is also responsible for ensuring that the vehicle registration document, a European Accident Report, emergency warning triangle, safety vest and a first-aid kit are carried in the vehicle.

3.2 Service manual

The vehicle officer must ensure that the service manual for the vehicle is kept appropriately and carried in the vehicle. A driver's logbook must be kept, in which must be entered the driver's name and first name, the date, destination, distance travelled and refuelling, if any. Entries must be signed by the driver. By signing, the driver confirms that the vehicle was returned without any defects or damage.

3.3 Winter / summer running

Vehicle officers are responsible for ensuring that vehicles are made ready for winter use (winter tyres fitted, appropriate fluid levels, snow chains if necessary) in due time (recommended by 31 October). For reasons of safety and cost, it is suggested that vehicles should be re-equipped for summer use in the spring (recommended before 01 May).

4. Running of vehicles

4.1 Handover of vehicle

The administration (safekeeping/handing over) of the vehicle and vehicle key(s) is the responsibility of the vehicle officer, who must ensure that the vehicle is not used without his or her knowledge. When the vehicle and key(s) are handed over before a business trip, the vehicle officer must ensure that the driver

- has a valid driving licence;
- meets the legal minimum age requirement for the vehicle driven (vehicle category);
- has the necessary knowledge of traffic regulations (for example, for drivers not used to driving abroad);
- is familiar with these directives;
- has the driving skills and experience appropriate to the use of the vehicle. This is very important, especially when travelling in difficult terrain (dirt roads, gravel paths, etc.).

The vehicle officer must inform students, visitors and third parties who travel with the driver in the vehicle that they must have independent insurance protection (loss of employment, disability and death), and that the University's insurance provides only subsidiary cover. Students, visitors and third parties may be requested to provide proof of insurance to cover medical costs (employer's non-occupational accident insurance or health insurance policy; in the case of foreign trips, with the appropriate foreign cover and cover for repatriation costs).

Vehicles used by the University may in principle only be driven by University employees.

In exceptional cases, another person may deputise for a driver. It must be made clear to such persons that they must comply with the traffic regulations in accordance with the laws of the country concerned, and that in the event of loss or damage the University reserves the right of recourse to such persons if they have acted with gross negligence.

Such an exception can, for instance, be made in the case of students who have to drive a University vehicle to carry out field work relating to undergraduate, postgraduate or project work. As is generally the case for excursions, off-road use and field work, students must also be informed in writing that they are personally responsible for taking out an appropriate extra insurance policy, if they wish to have cover for the risks of loss of employment, disability and death.

4.2 Vehicle drivers

The vehicle driver must be in possession of a valid driving licence that is recognised in Switzerland, and if the vehicle is used abroad and if so required in a particular country, an international driving licence.

Drivers must conduct themselves in accordance with the traffic regulations laid down by the laws of the country concerned. Fines must be paid by the driver. If drivers create a negative impression on more than one occasion (e.g. because of notifications of fines), the Institute must review the situation and take the necessary steps, namely not to allow the driver concerned to continue to drive University vehicles.

Before any journey, the driver must inspect the vehicle to ensure that it is functioning properly and that there is no damage to it.

Where there is criminal intent or gross negligence (for example, alcohol or drug abuse), the University of Bern shall have recourse to the driver concerned.

4.3 Cleaning of the vehicle

After a business trip, vehicles must in principle be returned clean and refuelled. The vehicle officer may request a vehicle to be cleaned appropriately. Vehicles owned or hired by the University of Bern must be maintained and/or handed over in perfect condition.

4.4 Accidents

A European Accident Report must always be completed in case of accidents, and forwarded to the Facilities Management Section accompanied by the damage report. If an accident occurs abroad, the police must always be called to the scene of the accident. In the case of accidents in Switzerland, the police must be notified (always, when there are injuries to people; in the case of damage to property, if the injured party cannot be informed immediately) in accordance with the provisions of article 51 of the Swiss road traffic act (SVG) and if foreign vehicles are involved.

The Facilities Management Section is responsible for sending the report by the Institution to the insurance broker/company, with a copy to the Risk Management Office.

4.5 Damage, defects

The driver is responsible for informing the vehicle officer immediately of any damage. The vehicle officer is responsible for undertaking repairs.

Safety-related defects that call into question the roadworthiness of the vehicle must be rectified immediately (for example, defective lights, indicators, tyres with air bubbles, etc.).

The persons responsible are liable to the University for any loss or damage caused intentionally or by gross negligence.

4.6 Transport of dangerous goods

Hazardous, infectious or radioactive substances and preparations (dangerous goods) may only be transported with the agreement of the person responsible for dangerous goods at the University of Bern.

The quantity must be below the exemption limit stipulated in the applicable legal provisions. In addition, the driver must hold the appropriate authorisation for the transport of dangerous goods (ADR/SDR).

5. Insurance

5.1 Coordination of insurance

The Insurance Management Office of Canton Bern coordinates insurance management, including for the University of Bern, and has a fleet insurance policy. Within the University, insurance is in principle coordinated through the Facilities Management Section.

There is no comprehensive insurance; claims must be covered through the Institutes. The insurance manual can be downloaded via the following link: www.risiko.unibe.ch (Versicherungsmanagement).

When **vehicles owned by the University are used** in a country in accordance with the “Registration Agreement” (see explanatory notes in chapter 6.1 below), insurance is covered by the University’s motor vehicle third-party liability insurance. See the explanatory notes in chapter 6 below regarding the export of vehicles owned by the University being subject to authorisation, and the associated conditions regarding compulsory insurance.

When **motor vehicles are hired**, the car rental firm concerned must be one that is well known internationally, and third-party liability and comprehensive insurance must be taken out with adequate cover (at least CHF 5 million).

5.2 Other materials carried

The loss by theft of other materials carried is not insured. In the case of materials or items of high worth, such as valuable measuring equipment, a specific insurance cover amount must be verified by discussion with the Head of the Facilities Management Section. The provisions of Executive Council resolution 4610 of 4 December 1974 shall prevail, whereby a contract of insurance should only be concluded exceptionally for theft and certain other instances to cover a particularly significant risk.

5.3 Claim form

The loss event must be reported to the Risk Management Office with the claim form (see www.risiko.unibe.ch) within 48 hours.

5.4 Separate passenger insurance

Separate passenger insurance is not necessary. Accordingly, no such insurance exists, nor does it have to be taken out, for the following reasons: vehicle passengers must in each case

be advised (unless they are university employees, in which case they are covered by the university's accident insurance) that they are responsible for their own accident insurance cover.¹ In the event of an accident, passengers can if necessary also claim against the motor vehicle third-party liability insurance of the owner of the vehicle responsible for the accident.

6. Export of University-owned vehicles to other countries subject to authorisation

6.1 Export to countries under the Registration Agreement

University vehicles may be operated in and exported to countries in accordance with the Registration Agreement without consultation, if those countries are shown in blue on the map of the Swiss National Bureau of Insurance (NBI). The authoritative map in each case is the currently valid version published on the NBI website (cf. http://www.nbi.ch/pdf/nvb_karte.pdf).

6.2 Export to countries under the Green Card

Outside the territory of the countries shown in blue on the NBI map, only hire vehicles must in principle be used by the University. The use of vehicles owned by the University is not permitted in principle.

In justified exceptional cases, application may be made to the Head of the Facilities Management Section for individual approval to export a vehicle owned by the University to a country in the area shown in green on the NBI map (this is sometimes also referred to as the "Green Card" area). In this regard, the authoritative map in each case is also the currently valid version published on the NBI website (cf. http://www.nbi.ch/pdf/nvb_karte.pdf).

6.3 Export to countries outside the area covered by the Registration Agreement and the Green Card

Should a vehicle owned by the University be used outside the area covered by the Registration Agreement (countries shown in blue) and outside the countries shown in green on the NBI map, the following will apply:

- Application must be made to the University Board of Directors for the granting of an exceptional authorisation (to be submitted to the Head of the Facilities Management Section for forwarding to the University Board of Directors);
- An international insurance policy with adequate insurance cover (not less than CHF 5 million) must be taken out for insurance purposes.

¹ Cf. chapter 4.1 and 7

7. Hire vehicles from the Facilities Management Section

In principle, the same rules apply to business trips in hire vehicles from the Facilities Management Section as to other official vehicles of the University of Bern. The following points in particular must be observed:

By reserving a vehicle from the Facilities Management Section, the principal office confirms that the driver:

- Holds a valid driving licence.
- Is employed at the University.
- Vehicles used by the University may in principle only be driven by members of the University staff. In exceptional cases, another person may deputise for a driver. It must be made clear to such persons that they must comply with the traffic regulations in accordance with the laws of the country concerned, and that in the event of loss or damage the University reserves the right of recourse to such persons if they have acted with gross negligence.
- Is familiar with these directives;
- Has the requisite knowledge of traffic regulations (for example in the case of drivers who are not used to driving abroad).
- Has the necessary driving skills and experience appropriate to the particular use.
- This is particularly important when travelling in difficult terrain (dirt roads, gravel tracks, etc.).
- That students, visitors and third parties also travelling in the vehicle are aware that they must make their own insurance arrangements, and that the University's insurance protection is only available on a subsidiary basis.

Students, visitors and third parties may be requested to provide proof of insurance to cover medical costs (employer's non-occupational accident insurance or health insurance policy; in the case of foreign trips, with the appropriate foreign cover and cover for repatriation costs). As is generally the case for excursions, off-road use and field work, students must also be informed in writing that they are personally responsible for taking out an appropriate extra insurance policy, if they wish to have cover for the risks of loss of employment, disability and death.

The Institution is liable to the Facilities Management Section for all loss or damage (excluding defects) caused to hire vehicles during the rental period. Any identified loss or damage will be charged to the last Institution responsible for the reservation.

The vehicle must be returned clean and with a full tank of fuel. The Facilities Management Section will invoice for any subsequent cleaning work or replenishment of fuel.

8. Private use of University vehicles

The use of vehicles rented by the University (e.g. rented Mobility-vehicles) for private purposes is not permitted.

The use of vehicles owned by the University for private purposes is only permitted in exceptional cases, and then with the corresponding authorisation of the superior officer responsible. Official vehicles intended for private use are only handed over to University employees.

Only third-party liability insurance is taken out for official University vehicles; there is no passenger and comprehensive insurance cover. For private travel, the user is therefore liable for all costs arising from a loss event. For this reason, there is a comprehensive insurance for private travel with official vehicles (up to a list price of CHF 70,000). The excess in the event of collisions is CHF 1,000.

The rates per kilometre set out in Annex 2 apply to the private use of official vehicles.

The Facilities Management Section is responsible for invoicing. This is done on the basis of the report form.

The official vehicle must be handed over by the member of staff responsible for the vehicle, clean and with a full tank of petrol. On takeover, the relevant odometer reading and any damage must be recorded on the report form, signed by both parties and sent immediately to the Facilities Management Section.

9. Note: Use of a private vehicle for official purposes

The use of private vehicles by University employees for official purposes is only permitted in exceptional cases, and subject to the appropriate approval of the superior responsible.

The Head of the Facilities Management Section must be notified accordingly.

If a vehicle is damaged while it is being used for official purposes, article 114 of the staff regulation (http://www.sta.be.ch/belex/d/1/153_011_1.html) and the instructions of the

Personnel Office of Canton Bern regarding the procedure for reporting damage (Annex 3) must be complied with.

10. Addresses

10.1 Facilities Management Section, Risk Management Office

Facilities Management Section
Secretariat
Gesellschaftsstrasse 6
3012 Bern

Risk Management Office
Insurance Coordination
Gesellschaftsstrasse 6
3012 Bern

++41 (0)31 631 82 07
sekretariat@bt.unibe.ch
www.bt.unibe.ch

++41 (0) 31 631 55 77
risiko@bt.unibe.ch
www.risiko.unibe.ch

10.2 Publication of the directives on the website of the University of Bern

The current version of the directives may be downloaded from the website of the University of Bern under “Betrieb & Technik (www.bt.unibe.ch) or from Legal Services (www.rechtsdienst.unibe.ch; from the legal collection under “Organisationsrecht/Universitätsleitung/Weisungen” of the University Board of Directors) or from the Risk Management Office (www.risiko.unibe.ch).

Bern, 27 November 2007 /
18 October 2011 / 3 April 2012

On behalf of the University Board of Directors
The Rector

sig. Prof. Dr. M. Täufer
Prof. Dr. M. Täufer

Annex to the directives

1. Information on road safety and accident prevention

General road traffic safety:

<http://www.bfu.ch/German/strassenverkehr/Seiten/default.aspx>

Car driving safety training:

http://www.tcs.ch/main/de/home/kurse/test_training/auto.html

2. Rates per kilometre for the private use of University-owned vehicles

The same rates per kilometre apply to official University-owned vehicles which are exceptionally used and for which a corresponding allowance for private purposes has been issued (see chapter 8) as those that are redefined periodically by the Executive Council in accordance with article 113 of the staff regulation (PV) of 18 May 2005 (use of private motor vehicles for business trips). If charged to third parties, these are subject to value added tax at the standard rate; this is additionally charged. At present, the rates applicable to the private use of service vehicles are therefore as follows:

Cars of	800 - 1200 cc	65 cents/km (plus VAT)
	1201 - 1600 cc	70 cents/km (plus VAT)
	above 1601 cc	75 cents/km (plus VAT)

An expenses charge of CHF 10 (plus VAT) will be levied to cover comprehensive insurance for each use. The minimum usage charge is CHF 20 (plus VAT).

3. Letter from the Personnel Office of Canton Bern regarding cover for material damage to private vehicles

In a letter dated 26 August 2010 the Personnel Office of Canton Bern issued instructions on the procedure for reporting damage. Link to the letter:

http://www.risiko.unibe.ch/unibe/verwaltungsdirektion/risiko/content/e4154/e4181/e5024/files5095/SachschenanPrivatfahrzeugen_2010.pdf