

Directive concerning whistleblowing at EPFL

LEX 1.8.1

14 August 2017, status as at 1st June 2023

The Direction of the Ecole polytechnique fédérale de Lausanne,

based on Article 22a of the [Loi sur le personnel de la Confédération \(RS LPers 172.220.1\)](#), based on Article 4 para. 2 of [Directives du Conseil des EPF sur le traitement des signalements faits par des personnes relevant du Domaine des EPF et concernant des comportements juridiquement ou éthiquement incorrects](#),

hereby adopts the following:

Section 1 General provisions

Article 1 Objectives

¹ The present Directive aims to implement a whistleblowing procedure and mechanism for the reporting of serious misconduct (“whistleblowing”) within or relating to EPFL.

² Reporting misconduct is in the interests of EPFL and in keeping with good corporate governance practices.

³ The objective of the present Directive is also to protect the whistleblower (the person who has reported the misconduct) and to protect EPFL from any reports made in bad faith that could be detrimental to the work environment.

⁴ The procedure in place protects the personality and the rights of the parties concerned and provides a clear and detailed analysis and answers to the EPFL Direction as well as to the ETH Board.

Article 2 Aim

The aim of the present Directive is to identify the bodies which may be contacted for the reporting of alleged legally or ethically improper conduct, and to set out EPFL’s internal procedure regarding the handling of such reports.

Article 3 “Compliance Guide” and Scope of the Directive

¹ EPFL has issued a “Compliance Guide¹” which provides guidance on the rules, usages and good practices in force at EPFL and which must be complied with in order to safeguard EPFL’s values and to ensure that it achieves its missions.

² Everyone is entitled to report instances of alleged legally or ethically incorrect behaviour that she or he has become aware of in the context of her or his activity at EPFL. If, on the other hand, the person wishes to report an act of which she or he has been a victim and which affects her or his physical and mental health or personality, she or he must refer to the Directive on psychosocial risks at EPFL (LEX 1.8.3) which applies to the case in question.

Article 4 Competent bodies

¹ The person submitting the report may contact one of the following bodies:

- if they are an employee:
 - Immediate superior;
 - HR Manager;
 - EPFL Ombudsperson;
 - ETH Board Ombuds Office (<https://ethrat.ch/en/eth-board/ombuds-office/>);

¹ https://www.epfl.ch/about/overview/wp-content/uploads/2019/12/ComplianceGuideEPFL_EN.pdf

- the Whistleblowing office of the Swiss Federal Audit Office (SFAO) (<http://www.whistleblowing.admin.ch>).
- if they are a PhD candidate:
 - Thesis director;
 - Mentor;
 - Programme director;
 - Associate Vice President for Postgraduate Education;
 - Student Affairs service;
 - HR Manager;
 - EPFL Ombudsperson;
 - ETH Board Ombuds Office
 - Whistleblowing Office of the Swiss Federal Audit Office (SFAO) (<http://www.whistleblowing.admin.ch>).
- if they are a student:
 - Student Affairs service;
 - EPFL Ombudsperson;
 - Whistleblowing Office of the Swiss Federal Audit Office (SFAO) (<http://www.whistleblowing.admin.ch>).
- if they are a professor:
 - Dean;
 - Vice President for Academic Affairs;
 - EPFL Ombudsperson;
 - ETH Board Ombuds Office
 - Whistleblowing Office of the Swiss Federal Audit Office (SFAO) (<https://www.bkms-system.ch/bkwebanon/report/clientInfo?cin=5efk11&c=-1&language=eng>).

The individual may request assistance from the Trust and Support Network (TSN) in terms of securing the opportunity to lodge a complaint and regarding the form thereof.

² Furthermore, any employee of EPFL who, in the performance of their duties, observes conduct constituting a felony or misdemeanour prosecuted *ex officio* has a duty to report such conduct in accordance with the [Loi sur le personnel de la Confédération \(LPers\)](#). The foregoing is without prejudice to the statutory provisions on the right to refuse to testify ([Art. 22a LPers](#)).

Section 2 Procedure for handling reports

Article 5 Scope of application

The present regulations apply to the EPFL Ombudsperson and other internal bodies. The procedures used by external bodies² at EPFL can be found on their respective websites.

Article 6 Form of report

The whistleblower shall prepare the report in writing (e.g. via the form created for this purpose, as shown in Annex 1 of the present Directive) so that reporting may be conducted in the most accurate and precise manner possible. As a rule, the report is signed with the name of its author.

² Whistleblowing Office of the SFAO and ETH Board Ombuds Office

Article 7 Confidentiality

The confidentiality of the procedure and the information supplied by the whistleblower will be maintained as far as possible. However, confidentiality will be waived in cases where disclosure of information is mandatory under legal provisions or regulations, legal proceedings, or in order to protect the overriding interests of EPFL or the public (in particular in cases of a violation of criminal law or of a tort causing damage to EPFL or third parties). The identity of the person making the report shall also be disclosed to the persons in charge of the procedure.

Article 8 Recusal

Any person required to process a report and who, for personal reasons, could be influenced in her or his independence or impartiality in respect of the person implicated must recuse herself or himself of her or his own accord (Art. 10 APA).

Article 9 Guarantee – Good Faith – Psychological Support

¹ If the report is made in good faith, EPFL shall make every effort to ensure that the whistleblower does not suffer any professional repercussions as a result of the report and is able to do so without fear of intimidation, retaliation or discrimination. In the event of significant stress or psychological difficulties, the whistleblower may request assistance from the Respect Compliance Officer³ in the form of 5 psychological follow-up sessions with a qualified therapist (who is licensed by the relevant professional body). It is also prohibited to dismiss an employee as a result of the report made.

² If the report is made in bad faith or with intent to cause harm, EPFL nevertheless reserves the right to impose sanctions.

³ The person implicated may apply to the Respect Compliance Office for assistance in the form of 5 psychological follow-up sessions with a qualified therapist (who is licensed by the relevant professional body). If justified, the number of sessions may be increased to ten. However, EPFL will not offer to pay for such support if the person implicated is, at the end of the proceedings, found to be responsible for an injury to the personality or health of another person.

Article 10 Admissibility

Upon receiving a report, the relevant body will examine its admissibility: The possible anonymity of the whistleblower does not *per se* constitute a reason for inadmissibility. If the report is judged inadmissible, the relevant authority shall inform the whistleblower. If the report qualifies as a complaint within the meaning of Directive on psychosocial risks at EPFL (LEX 1.8.3), the relevant body will forward it to the Respect Compliance Office.

Article 11 Transmittal of information to the President of EPFL

If the report is judged admissible, the authority to which the report as been addressed shall draft a report for the attention of the President of EPFL within 60 days of receipt thereof, including in particular the following elements:

- brief summary of the facts;
- if necessary, suggestions for additional inquiries, either via audit or via administrative⁴ or disciplinary investigation⁵ ;
- in the event of suggestions for additional inquiries, proposals concerning the authority with which they should be entrusted, either internally (Legal Affairs) or externally (EPFL Ombudsperson, third-party agent, internal audit of the ETH Board, SFAO),

³ <https://www.epfl.ch/about/respect/the-respect-compliance-office/>

⁴ [Ordonnance sur l'organisation du gouvernement et de l'administration \(OLOGA\) RS 172.010.1](#) See art. 27a-27j of the

⁵ [Ordonnance sur le personnel du domaine des EPF \(Opers-EPF\) RS 172.220.113113](#) See art. 58a of the

- suggested measures to be taken in connection with the above-referenced investigations (e.g. lifting of professional confidentiality for staff members);
- if the situation so requires, suggestions for immediate referral to external authorities (in particular criminal authorities) or for immediate measures.

In any event, inquiries ordered by the President of EPFL are supervised by the Legal Affairs and managed independently by the authority entrusted with them.

Article 12 Procedure

¹Administrative and disciplinary investigations shall be conducted in accordance with the provisions of the [Ordonnance sur l'organisation du gouvernement et de l'administration \(art. 27a à 27j - RS 172.010.1\)](#), the [Ordonnance sur le personnel du domaine des EPF \(art. 58 et art 58a - RS 172.220.113\)](#), and Articles 11 to 17 of this Directive. Investigations into allegations of *scientific misconduct* shall be conducted in accordance with the [Ordinance concerning the procedure to follow in cases of suspected scientific misconduct \(LEX 3.3.3\)](#).

² With regard to reports against students, the authorities designated in [Ordinance of the École polytechnique fédérale de Lausanne on disciplinary measures](#) have exclusive authority.

Article 13 Right to be heard

¹ During the inquiry process, the party or parties implicated may receive assistance from and be represented by a person of their choice. Their right to be heard is guaranteed.

² The person(s) implicated is/are regularly informed of the status of the proceedings by the Legal Affairs.

Article 14 Obligation to give evidence

Any employee who may have information relevant to the inquiry is obliged to give evidence; She or he must not be subject to any prejudice as a result of her or his testimony. If necessary, she or he shall be released from professional confidentiality in accordance with Article 11 above.

Article 15 Minute-taking

Hearings shall be recorded in minutes and signed by the persons giving evidence.

Article 16 End of inquiry report and recommendations

A report must be issued at the end of the inquiry containing a presentation of all the information gathered during the investigation, as well as an assessment thereof. Before drafting this end of inquiry report, the body responsible for the investigation shall allow the person(s) implicated to consult the dossier containing the documents and testimony gathered and shall set her or him a deadline for the person implicated to state her or his position and, if necessary, to present her or his own evidence. Once the inquiry report has been issued, the authority responsible will transmit it to the President of EPFL with notice of the measures to be taken, if any.

Article 17 Decisions and sanctions

¹ The President of EPFL takes all the measures or decisions that are justified by the facts established.

² Sanctions are in particular stipulated in [Ordinance of the École polytechnique fédérale de Lausanne on disciplinary measures](#) ; These range from a warning to termination of the employment contract and from a reprimand to exmatriculation for PhD candidates or exclusion for Bachelor's and Master's students.

³ The right of appeal is governed by Article 37 of the [Federal Act of 4 October 1991 on the Federal Institutes of Technology](#).

Article 18 Supplementary law applicable

The present Directive constitutes a supplement to the [Ordonnance sur l'organisation du gouvernement et de l'administration \(OLOGA\)](#) and the [Federal Act of 20 December 1968 on Administrative Procedure \(APA\)](#).

Article 19 Limitations periods

No consideration is given to complaints relating to events which occurred more than 5 years in the past, subject to any longer limitations periods provided by law.

Section 3 Entry into force

Article 20 Entry into force

The present Directive, which came into force on 14 August 2017, was revised on 18 August 2019 (version 1.1) and on 1st June 2023 (version 1.2).

On behalf of the EPFL Direction:

President:
Martin Vetterli

Director of Legal Affairs
Françoise Chardonnens

ANNEX 1

REPORTING FORM

I. Your details

First name:

Surname:

Address:

Telephone no.:

Email:

Status (Staff member / PhD candidate / student / Professor):

II. Who?

Person implicated:

III. What?

Type of incident(s):

IV. Where?

Location where the observed incident took place:

V. When?

Date:

Time (if applicable):

VI. Other particulars

Do you have any more precise details to supply? Do you have any evidence to support your suspicions (documents, photos, etc.)?

Date:

Signature: