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Ordinance of the École polytechnique fédérale de Lausanne on disciplinary measures

(EPFL Ordinance on disciplinary measures)

Of 2nd August 2021

The Direction of the École polytechnique fédérale de Lausanne,

based on Article 37b, para. 2, Federal Act on the Federal Institutes of Technology of 4th October 1991¹,

hereby adopts the following:

Section 1 Sphere of application

Art. 1

¹ This ordinance is applicable to students, attendees, PhD students and students of continuing education courses at the École polytechnique fédérale de Lausanne (EPFL).

² It is also applicable to those who have asked to be exmatriculated from EPFL following a disciplinary offence and against whom EPFL still intends to take disciplinary measures.

³ In the case of a breach of integrity in their research work, PhD students are subject to the EPFL ordinance of 23rd March 2009 concerning the procedure to follow in cases of suspected scientific misconduct².

Section 2 Disciplinary offences and measures

Art. 2 Academic disciplinary offences

An academic disciplinary offence is considered to have been committed by a person if they behave in a fraudulent manner within the context of projects completed as part of their studies or during an assessment, if they attempt to behave in a fraudulent manner, or if they are an accessory to fraudulent behaviour or an attempt at fraudulent behaviour:

- a. by gaining access to or using means which are not expressly authorised;
- b. by violating the general regulations or specific instructions on examinations;
- c. by presenting work in which they claim for their own, wholly or partially, work which has been completed by a third party (plagiarism) or by presenting their work as being original when it has already been used on a different occasion (self-plagiarism).

¹ RS 414.110

² LEX 3.3.3, available at the following address: www.epfl.ch > About > Presentation > Regulations and Guidelines > EPFL guidelines > Polylex index

Art. 3 Other disciplinary offences

A disciplinary offence is considered to have been committed if a person:

- a. fails to comply with an injunction or violates a ban which has been issued to them or which is provided for under EPFL regulations;
- b. hinders the proper functioning of EPFL, notably by disrupting teaching or events organised at EPFL;
- c. engages in the improper use of an identity document, electronic media or a prerogative relating to their enrollment at EPFL;
- d. causes harm to the property of EPFL or goods located at EPFL;
- e. inflicts harm on EPFL members, service providers or visitors, in particular by means of coercion or by adopting demeaning, discriminatory, harassing or disrespectful behaviour;
- f. commits a punishable act in the sense of Swiss criminal law towards EPFL or towards others in the context of their activities relating to EPFL;
- g. transgresses the rules of decency in the context of their activities relating to EPFL;
- h. attempts to commit a disciplinary offence or acts as an accessory to a disciplinary offence or an attempted disciplinary offence.

Art. 4 Disciplinary measures

¹ EPFL may take the following disciplinary measures:

- a. reprimand;
- b. attribution of the grade 0 (zero) in an examination or the grade NA (not acquired) for a branch or a series of branches; this measure is only relevant to the offences described in Article 2;
- c. ban on attending teaching or events for a fixed period;
- d. threat of temporary or permanent exclusion from EPFL;
- e. non-admission to a study cycle at EPFL;
- f. temporary exclusion from EPFL which may be accompanied by a ban on entering the EPFL site;
- g. permanent exclusion from EPFL.

² The nature and the degree of the measure depend on the seriousness of the act committed, the motives of the person concerned, their previous record, the consequences of the measure on their studies and the importance of the interests or goods which have been affected or jeopardized. Measures may be attenuated if the person concerned apologies and spontaneously reimburses the damage, or worsened if the person does not collaborate in establishing the facts during the investigation.

³ In far less serious cases, or for reasons of convenience, EPFL may choose not to open a disciplinary procedure or may decide to file and drop the case. Furthermore, if a disciplinary procedure is not envisaged, a warning can be issued for the person concerned by a representative of the Vice President for Academic Affairs.

⁴ Exclusion due to reasons of a serious disciplinary offence imposed by the École polytechnique fédérale de Zürich may be considered a valid reason for rejecting a request for admission to EPFL.

Art. 5 Provisional measures

In case of a serious disciplinary offence or where the proper functioning of EPFL so requires, EPFL may, after hearing the person concerned, order their exclusion from the School until the end of the disciplinary procedure and ban them from accessing the School campus.

Art. 6 Limitation period

¹ Responsibility for disciplinary offences shall lapse after six months from the day on which EPFL becomes aware of the offence. This time limit is interrupted by the opening of disciplinary proceedings, or where necessary, suspended by the opening of criminal proceedings concerning the same offence.

² In all cases, responsibility for disciplinary offences shall expire two years after the day on which they were committed, unless they are also subject to criminal law; in such cases, the time limit provided for under criminal law is applicable by analogy if it is longer.

Section 3 Disciplinary bodies and competencies**Art. 7** Disciplinary bodies

The EPFL disciplinary bodies are:

- a. The investigating body;
- b. The Vice President for Academic Affairs;
- c. The disciplinary committee.

Art. 8 Investigating body

¹ The investigating body is composed of:

- a. A person responsible for the investigation;
- b. A representative of the Vice President for Academic Affairs;
- c. A student or PhD student, depending on whether the person concerned by the disciplinary procedure is a student or a PhD student.

² Its members are appointed by the Vice President for Academic Affairs. The student or the PhD student is appointed by the student body to which they belong.

³ The investigating body advises the Vice President for Academic Affairs by submitting a decision proposal to him/her.

Art. 9 Vice President for Academic Affairs

¹ The Vice President for Academic Affairs may impose the measures provided for under Article 4, para. 1, let. a to d.

² The Vice President for Academic Affairs shall issue the disciplinary decision they judge appropriate, based on the proposal submitted by the investigating body.

Art. 10 Disciplinary committee: composition

¹ The disciplinary committee is an ad hoc committee composed of:

- a. a person external to EPFL, with legal training, who acts as Chair;

- b. two members of the teaching staff, of which at least one shall be a professor;
- c. two students or PhD students;
- d. the person responsible for the investigation.

² If the person targeted by the disciplinary procedure is a PhD student, the two members of the teaching staff shall have the necessary expertise to follow doctoral theses at EPFL and the two members listed in paragraph 1, let. c shall be PhD students.

³ The members of the disciplinary committee, as well as their substitutes, are appointed by the Vice President for Academic Affairs from amongst the candidates presented by their respective bodies.

Art. 11 Disciplinary committee: competencies and decisions

¹ The disciplinary committee may impose the measures provided for under Article 4, para 1.

² It rules by closed hearing. If the circumstances so allow, it may rule by correspondence.

³ It may only validly deliberate and rule with the participation of its Chair and at least one member from each of the bodies mentioned in Article 10, para. 1, let. b and c.

⁴ Decisions are taken by absolute majority amongst the members participating in the hearing or in the circular proceedings. In case of a tied vote, the Chair shall take the final decision.

Section 4 Disciplinary procedure

Art. 12 Disciplinary investigation

¹ The person who becomes aware of the facts which could constitute a disciplinary offence gathers the potential evidence and diligently informs the investigating body.

² The investigating body establishes the facts based on the evidence and means of proof, as well as the reports obtained.

³ If it appears, during the investigation or at the end of it, that the disciplinary offence could warrant a disciplinary measure as defined in Article 4, para. 1, let. e, f or g, the Vice President for Academic Affairs shall convene the disciplinary committee.

⁴ The Chair of the disciplinary committee may proceed to additional investigatory measures.

⁵ If criminal proceedings are opened due to the same facts, the disciplinary body shall decide if it is necessary to suspend the disciplinary procedure until findings of fact are made in the criminal proceedings. This decision is not subject to appeal.

Art. 13 Right to be heard of the person concerned

¹ The person concerned shall be informed of the opening of a disciplinary procedure and the acts of which they are accused.

² The person concerned is invited, within a defined deadline, to provide their input on the acts of which they have been accused. They may consult the elements of the file for this purpose.

³ They can be summoned and interviewed orally for the requirements of the investigation. Their input is recorded in minutes which are submitted to them for approval. They may be accompanied by a person of their choice.

⁴ If new elements are added to the file, the person concerned is invited to provide their input again.

⁵ If the person concerned does not accept the invitations to provide input or the summons, the case is ruled upon based on the file.

Art. 14 Disciplinary decision, legal remedy and applicable law

¹ The person concerned shall be notified of the disciplinary decision by post or email. This communication shall contain a statement of the facts and the motivations, the applicable legal basis and the legal remedies. It shall concern provisions governing the question of the withdrawal of suspensive effect attributed to a potential appeal.

² The appeals procedure is governed by Article 37, para. 3, of the ETH Act 4th October 1991.

³ The disciplinary procedure is furthermore governed by the Federal Act on Administrative Procedure of 20th December 1968³.

Section 5 Final provisions

Art. 15 Abrogation to the law in force

The Disciplinary Rules and Regulations concerning Students of the École polytechnique fédérale de Lausanne⁴ of 15th December 2008 are hereby abrogated.

Art. 16 Modification to existing applicable law

The ordinance of 30th June 2015 on study evaluation at EPFL⁵ is modified as follows:

Art. 18 Fraudulent behaviour

The sanctions applicable to fraudulent behaviour during assessments are governed by the ordinance of the École polytechnique fédérale de Lausanne of 2nd August 2021 on disciplinary measures⁶.

Art. 17 Entry into force

The present ordinance enters into force on 1st November 2021.

2nd August 2021

On behalf of the EPFL Direction

President, Martin Vetterli
Director of Legal Affairs,
Françoise Chardonens

³ RS 172.021
⁴ RO 2009 825
⁵ RS 414.132.2
⁶ RS ...