

Regulations on competencies regarding proceedings before administrative, civil or criminal courts

LEX 1.13.1

Of 15th March 2022

The Direction of the Ecole polytechnique fédérale de Lausanne,

based on Art. 4, para. 1 of the [Ordinance on the Organisation of the Ecole polytechnique fédérale de Lausanne](#) (LEX 1.1.1)

hereby adopts the following:

Article 1 Goal and Sphere of application

The present regulations are intended to define the competencies regarding administrative, civil and criminal proceedings brought by or against EPFL.

Article 2 Competencies

¹ The competencies regarding administrative, civil or criminal procedures are defined in Annex 1 of the present regulations.

² Where an act shall be subject to prior notification, this is requested by the lawyer drafting the act. This lawyer then submits the act to the competent individuals for determination, accompanied by the notification(s); this determination concerns the conclusions met by EPFL, and where necessary, the principle of instigating legal proceedings or lodging an appeal. Prior notification does not bind the individuals taking the decision.

³ Reporting requirements applicable to EPFL in accordance with the [Directives du Conseil des EPF concernant la gestion des risques des EPF et des établissements de recherche](#) (LEX 1.4.0.3) and the [Directives du Conseil des EPF concernant le devoir d'information des EPF et des établissements de recherche en cas d'incidents particuliers](#) (LEX 1.8.0.2), as well as the provisions in Annex 3 of the [Financial Regulations](#) (LEX 5.1.1) regarding disputes for which the value exceeds Fr. 50,000, remain reserved.

Article 3 External consultant mandated by EPFL

¹ The Head of Unit to whom the legal counsel responsible for drafting the act reports may decide to mandate an external consultant in order to assist or represent EPFL with the agreement of the Director of Legal Affairs and, where necessary, the Unit at the origin of the proceedings. The Director of Legal Affairs signs all procurations concerning the court representation of EPFL.

² The fees for external consultants mandated are covered by the Unit at the origin of the proceedings.

Article 4 Entry into force

The present regulations enter into force on 15th March 2022.

On behalf of the EPFL Direction:

President:
Martin Vetterli

Director of Legal Affairs:
Françoise Chardonnes

Annex 1: Definition of competencies

Type of proceedings	Drafting	Notification	Decision	Signature
I. Administrative or civil proceedings regarding harassment, scientific misconduct or other legally or ethically incorrect behaviours¹				
CRIEPF	DAJ/AJ Legal Counsel	AJ Legal Counsel ²	DAJ	DAJ + AJ Legal Counsel ²
TAF	DAJ/AJ Legal Counsel	AJ Legal Counsel ²	DAJ	DAJ + AJ Legal Counsel ²
TF	DAJ/AJ Legal Counsel	AJ Legal Counsel ²	DAJ	DAJ + AJ Legal Counsel ²
II. Proceedings arising from the <i>Ordonnance sur le corps professoral</i>				
CRIEPF	DAJ/AJ Legal Counsel	AJ Legal Counsel ²	DAJ + Provost	DAJ + AJ Legal Counsel ²
TAF	DAJ/AJ Legal Counsel	AJ Legal Counsel ²	DAJ + Provost	DAJ + AJ Legal Counsel ²
TF	DAJ/AJ Legal Counsel	AJ Legal Counsel ²	DAJ + Provost	DAJ + AJ Legal Counsel ²
III. Proceedings regarding the rights of staff (employees)				
CRIEPF ³	HR Legal Counsel	RRH + HR Legal Counsel + superior	DRH + DAJ	HR Legal Counsel + DAJ
TAF ³	HR Legal Counsel	RRH + HR Legal Counsel + superior	DRH + DAJ	HR Legal Counsel + DAJ
TF	HR Legal Counsel	RRH + HR Legal Counsel + superior	DRH + DAJ	HR Legal Counsel + DAJ

¹ With the exception of proceedings concerning harassing or discriminatory behaviours on the part of a student or a doctoral student, which are governed by the Ordinance on Disciplinary Measures ([Art. 3, let e of the Ordinance on disciplinary measures](#) – LEX 2.4.0.2)

² Where the latter drafts the decision

³ Or the cantonal authority in cases of private law employment relationships

Type of proceedings	Drafting	Notification	Decision	Signature
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IV. Administrative or disciplinary proceedings concerning training

CRIEPF	VPA Legal Counsel	VPA Legal Counsel	AVP + DAJ	VPA Legal Counsel + DAJ
TAF	VPA Legal Counsel	VPA Legal Counsel	AVP + DAJ	VPA Legal Counsel + DAJ
TF	VPA Legal Counsel	VPA Legal Counsel + AVP	Provost + DAJ	VPA Legal Counsel + DAJ

V. Administrative proceedings regarding data protection

PF PDT ⁴	DAJ/AJ Legal Counsel	DPO	DAJ	DAJ + AJ Legal Counsel ²
CRIEPF	DAJ/AJ Legal Counsel	DPO	DAJ	DAJ + AJ Legal Counsel ²
TAF	DAJ/AJ Legal Counsel	DPO	DAJ	DAJ + AJ Legal Counsel ²
TF	DAJ/AJ Legal Counsel	DPO	DAJ	DAJ + AJ Legal Counsel ²

VI. Other administrative proceedings⁵

CRIEPF	DAJ/AJ Legal Counsel	Head of Unit	President	DAJ + AJ Legal Counsel ²
TAF	DAJ/AJ Legal Counsel	Head of Unit	President	DAJ + AJ Legal Counsel ²
TF	DAJ/AJ Legal Counsel	Head of Unit	President	DAJ + AJ Legal Counsel ²

⁴ Within the context of an investigation opened by the PF PDT (Art. 49 ss [LPD](#))

⁵ For example: regarding the public market, liability ([LRCE](#))

Type of proceedings	Drafting	Notification	Decision	Signature
VII. Civil proceedings in the field of research				
1 st and possible 2 nd instance	VPA Legal Counsel / mandated lawyer	Dean + VPA Legal Counsel	AVP-R + DAJ	Mandated lawyer / VPA Legal Counsel + DAJ
TF	VPA Legal Counsel / mandated lawyer	Dean + VPA Legal Counsel + AVP-R	Provost + DAJ	Mandated lawyer / VPA Legal Counsel + DAJ
VIII. Other civil proceedings				
1 st and possible 2 nd instance	DAJ/AJ Legal Counsel	Dean/ Domain Director + Legal Counsel	VP + DAJ	DAJ + AJ Legal Counsel ²
TF	DAJ/ AJ Legal Counsel	AJ Legal Counsel	VP + DAJ	DAJ + AJ Legal Counsel ²
IX. Criminal proceedings				
Complaints, whistleblowing, civil determinations	DAJ/DSE ⁶	/	DAJ/DSE ⁶ /President ⁷	DAJ/DSE ⁶ /President ⁷
Other instances	DAJ/Mandated lawyer	Dean/VP	DAJ + VP	DAJ/Mandated lawyer

⁶ DSE: breaches established by the DSE – DAJ: others

⁷ Where the complaint or whistleblowing is directed against a member of the teaching staff or an employee

Abbreviations:

- APR: Faculty Affairs
- AVP: Associate Vice President
- AVP-R: Associate Vice President for Research
- CRIEPF: ETH Appeals Committee
- DAJ: Director of Legal Affairs
- DRH: Director of Human Resources
- DSE: Department of Security, Safety and Facilities Operations
- AJ Legal Counsel: Legal Counsel attached to Legal Affairs
- VPA Legal Counsel: Legal Counsel attached to the Vice Presidency for Academic Affairs
- HR Legal Counsel: Legal Counsel attached to Human Resources
- PFPDT: Federal Data Protection and Information Commissioner
- RRH: HR Manager
- TAF: Federal Administrative Court
- TF: Federal Court
- VP: Vice President