

Directive on psychosocial risks at EPFL

LEX 1.8.3

of 1st June 2023

The Direction of the Ecole polytechnique fédérale de Lausanne,

based on Article 4 (2) (g) of the [Loi fédérale sur le personnel de la Confédération \(LPers – RS 172.220.1\)](#), based on Article 6 of the [Loi sur le travail \(LTr – RS 822.11\)](#) and Article 328 of the [Code of Obligations \(CO – RS 220\)](#), based on Art. 9 of the [Ordonnance sur le personnel du domaine des EPF \(OPers-EPF – RS 172.220.113\)](#)

hereby adopts the following:

Section 1 General provisions

Article 1 Purpose

¹ EPFL undertakes to ensure that employment relationships and study programmes are characterised by mutual respect and consideration. It does not tolerate any form of harassment or discrimination based on, inter alia, gender, age, sexual orientation, origin or religion. It shall take the measures required to safeguard the physical and mental health of employees, PhD candidates, students and professors.

² The remedies provided by this Directive are intended to preserve the personality, health and rights of the parties in question. They aim to provide a clear and detailed analysis and response to the issues identified, so that appropriate action can be taken.

³ If any person intends to report instances of alleged illegal or unethical behaviour that she or he has become aware of in the context of her or his activity at EPFL, but which does not directly affect her or his physical or mental health or personality, she or he shall refer to the [Directive concerning whistleblowing at EPFL \(LEX 1.8.1\)](#) applicable in the specific case.

Article 2 Scope of application

This Directive applies to any person who has an employment contract (whether fixed-term or open-ended) or who has student status at EPFL, and who considers that her or his health or personality has been impaired in a context related to her or his professional activities or studies. It also applies to persons with guest status in the EPFL accreditation system who find themselves in such situations.

It also applies to any person accused of harming the health or personality of another and who has employment or student status at EPFL or who has guest status in the EPFL accreditation system.

Article 3 Aim

The aim of this Directive is to designate the bodies that may be contacted in the event of psychosocial risks as defined in Article 4 and to set out the EPFL's internal procedure for handling such cases. The Directive also specifies the support measures available to persons who have been exposed to psychosocial risks and the sanctions imposed on persons found to be responsible for acts which have failed to respect the health or personality of others.

Article 4 Definitions and “Compliance Guide”

¹ EPFL has issued a “Compliance Guide¹” which provides guidance on the rules, usages and good practices in force within the institution and which must be complied with in order to safeguard EPFL’s values and to ensure that it achieves its missions. These good practices ensure that professional relationships and studies are founded on mutual respect and the acceptance of diversity. They are the subject of training and awareness campaigns.

² Psychosocial risks are risks to physical and mental health, such as excessive stress and burn-out, arising from work or study, or from conduct that may compromise the integrity of the individual (sexual harassment, bullying, discrimination, violence, etc.).

Section 2 Competent bodies

Article 5 Initial Measures: Help and support

¹ If any person feels that her or his personality or health has been compromised, she or he may first contact their direct supervisor or one of the member bodies of the "Trust and Support Network"² (hereinafter “TSN”), at her or his discretion.

- For members of the student body, these include:
 - the Student Affairs service;
 - the Person of Trust;
 - the Equal Opportunity Office (EOO);
 - the Point Santé.

- For PhD candidates, these include:
 - Thesis director;
 - Mentor;
 - Programme director;
 - Associate Vice President for Postgraduate Education;
 - Student Affairs service;
 - HR manager;
 - the Person of Trust;
 - the Equal Opportunity Office (EOO)
 - the Point Santé.

- For employees, these include:
 - Direct supervisor;
 - HR manager;
 - the Person of Trust;
 - the Equal Opportunity Office (EOO);
 - the Point Santé.

- For teachers, these include:
 - Dean or Director;
 - the Person of Trust;
 - HR manager;

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

² <https://www.epfl.ch/about/respect/trust-and-support-network/>

- the Equal Opportunity Office (EOO);
- the Point Santé.

² The person in charge of the TSN is responsible for coordinating the various bodies described above and may be consulted for advice or guidance. The profile and tasks of the Network are described on the website <https://www.epfl.ch/about/respect/trust-and-support-network/>.

³ Direct supervisors and bodies of the TSN have a specific mandate to prevent psychosocial risks; They have been trained to deal with people facing harassment or psychosocial risks. These bodies provide immediate support. They are responsible for accommodating people who consider themselves to have been or who have been exposed to such a risk, offering them a receptive ear and support, guiding them and working, where possible and appropriate, towards a consensual and constructive solution.

⁴ If the situation is not resolved satisfactorily or if there is a serious situation, the matter may be referred to the Respect Compliance Office.

Article 6 Handling of complaints: Respect Compliance Office

¹ Complaints may be filed with the Respect Compliance Office (RCO)³ by any person who believes that they have suffered injury to their health or personality and have not been able to find a consensual solution to their problems.

² Any person who wishes to report such a violation to the RCO must submit a written complaint (e.g. using the form set out in Annex 1 to this Directive) in order to ensure that the information is transmitted in the most accurate and precise manner possible. As a rule, the complaint is signed with the name of its author.

³ The RCO consists of a Respect Compliance Officer and other members who are representative of the EPFL community. In terms of administration, the Respect Compliance Officer reports to the President of the EPFL Risk Management Committee. The other members of the RCO are appointed *ad personam* by the Direction. This body, whose composition is balanced, acts in complete independence. All its members are bound by a duty of confidentiality.

⁴ The RCO provides advance notice of solutions, such as mediation, HR follow-up, or any other action or support deemed appropriate. These solutions require the support of both parties involved: the complainant and the person implicated.

⁵ The RCO strives to maintain a balanced role vis-à-vis the parties. Its activities are governed by organisational regulations.

⁶ The RCO publishes anonymised statistics on its activities each year.

Article 7 Tertiary phase: Formal investigation

If the situation cannot be resolved by consensus or by the intervention of the RCO, the RCO shall prepare a report for the President who shall decide on the action to be taken in accordance with Section 4.

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

Section 3 Guarantees and rights applicable to the entirety of the procedure

Article 8 Confidentiality

The confidentiality of the procedure is safeguarded 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 involving a violation of criminal law or of a tort causing damage to EPFL or third parties). The identity of the complainant is also disclosed to the authorities responsible for seeking a solution. The RCO may decide to notify the person implicated by the complaint if this is necessary in order to resolve the matter; However, the complainant must give her or his consent in advance.

Article 9 Recusal

¹ Any person called upon to deal with a complaint and who, for personal reasons, could be influenced in her or his independence or impartiality vis-à-vis any of the parties involved must recuse herself or himself of her or his own accord (Art. 10 APA).

² Any of the parties involved may also request the recusal of a person dealing with a complaint on the grounds that she or he lacks the requisite independence or impartiality.

Article 10 Good faith – Guarantee

¹ If the complaint is made in good faith, EPFL shall make every effort to ensure that the complainant does not suffer any professional or academic repercussions as a result of the report and is able to do so without fear of intimidation, retaliation or discrimination. It is thus prohibited to dismiss an employee for this reason.

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

Article 11 Psychological support

¹ A person who considers herself or himself aggrieved and who has filed a complaint may apply to the RCO 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.

² The person implicated may also request psychological support under the same conditions as in the previous paragraph. However, EPFL will not be able 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.

Section 4 Formal Investigation

Article 12 Aim

¹ If it has not been possible to deal with the complaint by consensus or through the RCO, the RCO, with the assistance of the Legal Affairs, shall prepare a report for the President of EPFL, containing in particular the following:

- a brief summary of the facts and the steps already taken;
- where appropriate, suggestions for additional enquiries, either by means of an audit or an administrative⁴ or disciplinary investigation⁵ ;
- in the event of suggestions for additional enquiries, proposals regarding the external independent body to whom they should be entrusted;
- 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, proposals for immediate referral to external authorities (in particular criminal authorities) or for immediate preliminary measures.

² In any event, investigations ordered by the President of EPFL are entrusted to independent external experts. They are supervised by the Legal Affairs and must be concluded, in principle, within three months.

³ For complaints against students, the bodies designated in [Ordonnance de l'EPFL sur les mesures disciplinaire](#) have exclusive authority.

Article 13 Procedure

¹ Administrative 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 12 to 19 of this Directive.

² They are carried out by independent and neutral external experts. The mandated experts are carefully selected by EPFL on the basis of their proven skills.

Article 14 Monitoring and information

The parties involved, the RCO, the Doctoral School and the Dean, or the direct supervisor or section director (students) of the person implicated, are regularly informed of the status of the proceedings by the Legal Affairs.

Article 15 Right to be heard

The parties in question are guaranteed the right to be heard. They may receive assistance from and be represented by a person of their choice.

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

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

Article 16 Obligation to give evidence

¹ Any employee who may have information relevant to the investigation is required 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 12 above.

² Employees are also obliged under Article 22a of the [Loi sur le personnel de la Confédération](#) to report to the criminal authorities, their superiors or the Federal Audit Office all felonies and misdemeanours that are being prosecuted *ex officio* and that come to their attention or that have been reported to them in the performance of their duties.

Article 17 Minutes

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

Article 18 End of inquiry report and recommendations

After the conclusion of the investigation and in compliance with the right of parties to be heard, the authority in charge of the investigations shall prepare a report containing the findings of the investigation and an assessment thereof. 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 19 Decisions and sanctions

¹The President of EPFL shall undertake any measures or decisions that are justified by the established facts.

² Sanctions are in particular stipulated in [Ordonnance sur le personnel du domaine des Ecoles polytechniques fédérales](#) or [Ordonnance de l'EPFL sur les mesures disciplinaire](#); 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. They shall in particular take account of the seriousness of the violation and the degree of wilful intent or negligence on the part of the person implicated.

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 20 Supplementary law applicable

This 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 21 Limitations periods

No consideration will be given to complaints made 180 days after termination of the complainant's employment, or 180 days after receipt of the thesis for the PhD candidate, if this

is later than termination of employment, or which relate to events which occurred more than 5 years previous.

Section 5 Entry into force

Article 22 Entry into force

This Policy shall enter into force on 1st June 2023 (version 1.0).

On behalf of the EPFL Direction:

President:
Martin Vetterli

Director of Legal Affairs:
Françoise Chardonnens

ANNEX 1

COMPLAINT FORM

I. Your contact details

First name:

Surname:

Address:

Telephone no.:

Email:

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

II. Who?

Person implicated:

III. What?

Type of event(s) or damage suffered:

IV. Where?

Location of the observed event:

V. When? Frequency?

Date:

Time (if applicable):

VI. Other particulars

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

Date:

Signature: