

Consultation on the evolution of the framework for preventing, supporting and managing psychosocial risks

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Date: Septembre 2026

Comments:

1. General

Concerns from the scientific staff (PhD, Postdocs and scientists) in particular those with short-term contracts (PhD and Postdocs) were heard and addressed:

- The revised version clarifies the support available to victims, while prioritizing the protection of all parties and helping to identify when a situation crosses the line into harassment or endangerment of personality.
- It is acknowledged that no person may be dismissed for providing testimony or reporting a case, and that their professional career must not be endangered.
- Emphasis was placed on the hierarchical responsibility and line-management to be obliged to take action in cases of suspicions or observations of conflictual situations. Confidentiality and the procedures for opening cases are set out transparently and clearly.

We express some reserve on the LEX providing a frame for its effective implementation:

- Clarification of what actions can be taken by line-management, and specifically by program directors is missing. The LEX should explicitly anchor its provisions in the Swiss legal framework on the protection of personality. It is of foremost importance that the specific case of PhD students is detailed, and precisely what program director's responsibility encompasses.
- The new LEX does not yet provide a strong basis for victims, the accused, and witnesses to understand the possible consequences of their actions. Overall, what responsibility to act means, and what measures can be taken should be detailed. What resources will be available for mediation? How can conflicts be resolved?

A few general remarks about support and prevention resources of the Help point:

- Access to psychological consultations should be improved, with therapy sessions covered until the medical team is confident that the person is in a safe condition.
- A necessary preventive measure is the implementation of continuous training for all EPFL members, at all levels. While we acknowledge skepticism regarding its

effectiveness when enforced, it remains essential to continuously assess the level of awareness of our community. Targeted actions should be taken if gaps are identified, particularly where a lack of information within specific groups could have detrimental effects. Training should cover: what is the responsibility of line-management, juric basis on protection of personality, leadership.

- Support should also include training to specifically address anxiety and stress in the working environment (e.g., mindfulness sessions and similar initiatives).

2. Accompanying document

The clarity and comprehensiveness of this document are appreciated. The three-pillar approach is appropriate for the academic environment. The role of the help point in listening and providing recommendations, followed by redistribution to the appropriate actors, ensures accountability and prevents situations where responsibilities are shifted or individuals are left uncertain about whom to contact. Strengthening the protection of the parties involved could further enhance its exhaustiveness.

3. LEX 1.8.3

Comments/questions for each section:

General comments and appreciations are shown in black. [Comments requiring clarification are highlighted in blue.](#)

Section 1, Article 3, alinea 3: We recognize this section as an essential point and appreciate its inclusion. [However, we believe the Swiss legal framework on the protection of personality should be explicitly summarized. In our experience, awareness of this framework is often limited, and it should not fall to PhD candidates or postdocs to remind others, in particular their direct supervisors, of these obligations. Rather, it is the responsibility of the institution to ensure clarity, by making it explicit in the LEX and by providing appropriate training.](#)

Section 1, Article 5: [Would a more exhaustive clarification of the corrective measures be possible?](#)

Section 2: The definition of the terms constituting endangerment of personality is both necessary and effectively accomplished, providing a clear basis for the preliminary identification of potential victims of such behavior.

Section 3: [The training of those responsible for intervening in such situations is of utmost importance. A solid understanding of the biases that arise when occupying a role different from that of the complainant, for example, when a PhD student raises concerns about their hierarchical superior, is essential. Without this awareness, there is a risk of failing to grasp the issue fully and of withholding the support and assistance needed to resolve the situation.](#)

Section 5: [We would propose making it explicit in Channel 3 that confidentiality cannot be promised unlike Channel 2.](#)

Section 5, Article 17: Representatives from the bodies of each party involved must join the Executive Committee to foster trust, transparency, and effective communication.

Section 7, Article 22: *“The complaint does not suffer any professional or academic harm as a result of the complaint and is able to pursue the complaint without fear of intimidation, reprisals or discrimination”.*

One important point to consider is the requirement for postdoctoral funding applications: many major programs ask for a support letter from the PhD supervisor. If a conflict arises between a student and their supervisor, the supervisor may refuse to provide such a letter, effectively becoming a gatekeeper for the student's future career. Therefore, establishing a solution, such as allowing a backup reference in place of the supervisor, is critical.

4. LEX 1.8.1

The emphasis placed on protection and confidentiality is both necessary and commendable, and we wish to express our appreciation for its inclusion. Comments/questions for each section:

Section 1, Article 2, p. 4: *“Unethical behaviour can be defined as any act that violates generally accepted moral standards or ethical principles.”*

Because of the multicultural and international nature of EPFL community "generally accepted moral standards or ethical principles" might differ substantially in-between its members. Rather refer here to the Compliance Guide (link in Article 3), provided that it describes the expected moral and ethical guidelines.

Section 2: The clarification of the preliminary investigation's timeline is very important for the involved parties. The given time limits allow the proper planning of the follow-up procedures for any involved parties.

Section 2, Article 7, p. 3: *“If the Ombudsperson deems it necessary to disclose the identity of the whistleblower to the accused person in order to process the report, they must inform the whistleblower accordingly.”*

The whistleblower should first be informed of the Ombudsperson's intention to disclose their identity and be given the opportunity to halt the procedure. In some cases, the whistleblower may judge that disclosure could cause greater long-term harm than benefit, particularly when the allegations concern highly influential individuals.

Section 3: We appreciate the precise clarification regarding the procedure of formal investigation.

Section 4, Article 13 and Article 14: Proper definition of the whistleblower's and the accused person's rights is essential for a fair and just investigation process.

Section 4, Article 15: It is of high importance that other victims and / or witnesses are obliged to testify as they can provide crucial information which might act as conclusive evidence regarding the outcome of the report. This article also invokes the individual

responsibility of every EPFL community member in protecting each other, which is the foundation of a highly cohesive and respectful community.

Section 4, Article 13, p. 1.: *“If a report is made in bad faith or with intent to cause harm, EPFL reserves the right to impose sanctions.”*

This refers to the whistleblower. EPFL should not only reserve the right to impose sanctions in cases where a report is proven to have been made in bad faith, but should also apply such sanctions without hesitation. To preserve a fair system and protect innocent individuals, it is essential to ensure that the reporting mechanism does not devolve into a misuse of authority. Sanctions must therefore be applied consistently and with equal weight.