

Directive concerning reporting legally and ethically improper conduct at EPFL

of 14 August 2017, status as at 1st January 2027

The Direction of the École 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 the [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:

Definitions:

Whistleblower: any person who reports facts covered by this Directive to the Ombudsperson or other competent authority.

Legally improper conduct: any conduct that violates the law or legal regulations.

Unethical behaviour: any action that violates generally accepted moral standards or ethical principles as reflected in the Compliance Guide.

Preliminary investigation: the fact-finding process conducted by the Ombudsperson or body receiving the report, in accordance with the rules set out in this Directive.

Administrative investigation: a formal, in-depth investigation process, provided for in Art. 58 OPers-EPF, that is not directed against a specific person but rather aims to clarify specific circumstances that require action to be taken *ex officio* in the public interest.

Disciplinary investigation: a formal and in-depth investigation process, provided for in Art. 58a OPers-EPF, aimed at establishing whether an employee has breached their professional obligations and whether disciplinary measures must be taken against them.

Corrective action: any action that EPFL may take (i) in respect of an employee, in its capacity and within the scope of its prerogatives as an employer, to remedy a problematic situation identified — the main corrective measures being a reminder of the rules, a warning and dismissal; or (ii) in respect of a student, to remedy a problematic situation, without the need for disciplinary proceedings.

Disciplinary action: any action that EPFL may take (i) in respect of an employee (including within the Faculty), following a disciplinary investigation, pursuant to Art. 58a of the [Ordonnance sur le personnel du domaine des EPF](#) (OPers-EPF); or (ii) in respect of a student, pursuant to the [Ordonnance sur les mesures disciplinaires](#).

Person implicated: the person who is the subject of a report.

Reporting: where a person who is aware of facts likely to constitute (i) a breach of personal rights

(covered by LEX 1.8.3), without being the victim of such an infringement; or (ii) any other legally improper or unethical conduct (covered by this Directive) brings these facts to the attention of EPFL, through the appropriate channels, in order to enable EPFL to clarify these facts and, if necessary, take steps to remedy them.

Section 1 General provisions

Article 1 Objectives

¹ This Directive describes the whistleblowing system and procedure for reporting legally or ethically improper conduct within or in connection with EPFL.

² EPFL shall maintain and promote an atmosphere of work and study that allows the members of its Community to express themselves freely.

³ Any person may report suspected legally or ethically improper conduct (hereinafter referred to as “reporting”) from an EPFL member, as defined in Article 2, of which they become aware in the course of their activity, without fear of intimidation, reprisals or discrimination.

³ The purpose of this Directive is to designate the bodies to which such conduct can be reported and to regulate the internal procedure at EPFL. It is also a matter of protecting the person making the report, guaranteeing certain rights to the persons implicated in reports and protecting EPFL from any reports made in bad faith that would adversely affect the work or study environment.

⁴ The procedure in place protects the privacy and the rights of the parties implicated and aims to provide a clear and detailed analysis and answers to the EPFL Management Team as well as to the ETH Board.

Article 2 Scope

¹ This Directive applies to the reporting of any legally or ethically improper conduct from an EPFL member, subject to paragraphs 5 and 6 below.

² Any person may report conduct to the persons specified in this Directive.

³ This report may concern any member of EPFL, i.e. professors, PhD students, employees or students.

⁴ Legally improper conduct is any conduct that violates the law or legal regulations. Unethical behaviour can be defined as any act that violates generally accepted moral standards or ethical principles as reflected in the Compliance Guide.

⁵ Reporting of conduct that constitutes violations of personal rights (psychological harassment, bullying, sexual harassment, violence or discrimination) is not covered by this Directive. Reporting such situations is governed by the Directive on the Protection of Personal Rights and

Conflict Management (LEX 1.8.3).

⁶ Reporting of scientific misconduct is governed by the Ordinance concerning the procedure to be followed in cases of suspected scientific misconduct (LEX 3.3.3).

⁷ Furthermore, any person who discovers conduct constituting a felony or misdemeanour prosecuted ex officio has the duty to report it in accordance with [Art. 22a of the Loi sur le personnel de la Confédération \(LPers\)](#). The statutory provisions on the right to refuse to testify are reserved ([Art. 22a LPers](#)).

Article 3 “Compliance Guide”

EPFL has published a “[Compliance Guide](#)” containing the rules, customs and best practices in force within EPFL. This Guide must be respected to safeguard the values of EPFL and ensure its missions are fulfilled.

Article 4 Bodies to which incidents can be reported

¹ Staff (professors, PhD students, employees) must report issues to their line management or to the VPH People Experience domain (PEXP) in priority.

² Students should report issues to the Provost for Student Relations or their Representative in priority. PhD students can report issues to the director of their doctoral programme.

³ If the whistleblower considers that the recourse provided for in paragraphs 1 and 2 above is not appropriate, particularly where the line manager is involved in the reported facts, has not acted on a report or for any other reason, the whistleblower may contact the following bodies:

- EPFL Ombudsperson ([whose address is provided on this page](#));
- Alternatively, the ETH Board Ombudsperson's Office (<https://ethrat.ch/en/eth-board/ombuds-office/>);
- Alternatively, the Whistleblowing Platform of the Swiss Federal Audit Office (SFAO) (<http://www.whistleblowing.admin.ch>).

⁴ Persons can also obtain advice on the appropriateness and form of their report and any other support available by contacting the Trust Support Office.

⁵ If a report concerns a member of the EPFL Management Team (within the meaning of Art. 3 of LEX 1.1.1), it must be made exclusively to the EPFL Ombudsperson. If the report concerns the President of EPFL, it must be addressed to the President of the ETH Board.

Section 2 Handling of reports – Preliminary investigations

Article 5 Scope

These rules of procedure apply to the EPFL Ombudsperson and the other internal bodies mentioned in Article 4. The procedures used by bodies external to the EPFL can be found on their respective websites.

Article 6 Form and admissibility of reports

¹ Reports must be made in writing, giving reasons, and signed, and must contain the relevant facts, the identity of the person implicated and any persons who witnessed the events, as well as any documents relating to the reported situation. A reporting form is attached as Appendix 1.

² Upon receiving a report, the relevant authority shall examine its admissibility. The fact that a whistleblower has filed a report anonymously does not per se constitute a reason for inadmissibility. If the report is deemed inadmissible, the authority contacted shall inform the author accordingly.

³ If the report concerns situations that are not covered by this Directive, the relevant authority shall inform the whistleblower accordingly and advise them of the options available.

⁴ If the report is admissible, the body contacted will instruct the EPFL Ombudsperson to conduct a preliminary investigation.

Article 7 Confidentiality

¹ In order to enable reports to be processed in accordance with the rights and obligations of the persons concerned in accordance with Articles 13 and 14 of this Directive, the Ombudsperson may inform the persons entitled to be of the existence and content of the report and of the identity of the person making the report, in so far as this is necessary for the processing of the report. This includes, in particular, the person implicated and the persons called upon to provide information.

² If the Ombudsperson deems it necessary to disclose the identity of the whistleblower to the person implicated in order to process the report, they must inform the whistleblower accordingly.

³ Confidentiality is maintained outside the EPFL, subject to Art. 2, para. 7 above.

Article 8 Preliminary investigations

¹ The Ombudsperson shall conduct a preliminary investigation on the basis of any report submitted in writing and giving reasons.

² If a report is not made in good faith or if the information provided by the whistleblower does not allow the facts to be established, the Ombudsperson dismisses the report without further action.

Where a report does not fall within the material scope of this Directive, the Ombudsperson shall inform the whistleblower in writing and the body previously contacted.

³ The task of the Ombudsperson is to establish the relevant facts and to qualify them, i.e. to determine whether they constitute legally or ethically improper conduct and, if so, of what nature. To do so, they interview the whistleblower, the person implicated and any other persons concerned (witnesses). They analyse the documentation provided and may request any additional information they deem relevant.

⁴ The Ombudsperson shall provide the person implicated with all the information to enable the latter to exercise their rights under Article 14, including the content of the report, but shall not be required to provide a copy of the report.

⁵ If the report is deemed admissible, the Ombudsperson shall prepare a report for the attention of the President of EPFL, no later than three months from receipt of the report, containing the following information in particular:

- A brief summary of the facts;
- Their opinion on the characterisation of the facts (whether or not they constitute legally or ethically improper conduct)
- Their recommendations for further action, based on the findings of the report:
 - if improper conduct is sufficiently established by the facts gathered, they will recommend corrective action by those responsible for taking such action (line management).
 - if the ombudsperson considers that there is likely to have been improper conduct but that there is insufficient evidence to establish it, they will recommend that the matter be investigated further via the opening of an administrative or disciplinary investigation;
- In the event that further investigations are suggested, proposals concerning the body to which they should be entrusted, either internally (Legal Affairs Department) or externally (third-party agent, ETH Board internal audit, SFAO)
- Proposed measures to be taken in connection with the abovementioned investigations (e.g. lifting professional secrecy for staff members);
- If the situation so requires, suggestions for immediate referral to external authorities (in particular criminal authorities) or for immediate measures to be taken.

In any case, investigations ordered by the President of EPFL are conducted independently by the mandated body but under the supervision of the Legal Affairs Department.

⁶ If the preliminary investigation has been conducted by the Ombudsperson pursuant to Article 4, para. 5 and the report recommends that a formal investigation under Section 3 be launched, the President is obliged to initiate such an investigation.

Section 3 Formal investigations

Article 9 Conducting the investigation

¹ Administrative or disciplinary investigations ordered by the President shall be carried out by one

or more independent external experts. They are overseen by the Legal Affairs Department, except in cases where the person implicated is a member of the EPFL Management Team (see Art. 4, para. 5), and must in principle be concluded within three months. The purpose of the investigation is to determine whether legally or ethically improper conduct has taken place and, if so, to recommend appropriate action or sanctions.

² Investigations into students and PhD candidates are governed exclusively by the procedure laid down in the [Ordonnance sur les mesures disciplinaires](#) .

³ 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 to 27j – RS 172.010.1), and the [Ordonnance sur le personnel du domaine des EPF](#) (Art. 58 and Art 58a – RS 172.220.113).

⁴ As a rule, administrative investigations are not directed against a specific person, but rather aim to clarify specific circumstances that require action to be taken ex officio in the public interest. Administrative investigations result in an investigation report and not in a decision within the meaning of Art. 5 APA. The purpose of disciplinary investigations, on the other hand, is to establish whether an employee has breached their professional obligations and whether disciplinary measures are to be taken against them (Art. 25 LPers).

⁵ Articles 13 and 14 of this Directive shall apply to the rights and obligations of the whistleblower and the person implicated.

⁶ The expert shall without delay summon the person who made the report and the person implicated, as well as any other person who may provide information, for a hearing.

Article 10 Final investigation report

¹ After conducting the investigation, the external expert shall prepare a report for the President, the VPA and the VPH, in accordance with the rights and obligations set out in Articles 13 and 14. This report shall contain a statement of and an evaluation of the facts, as well as any recommendations for action, where applicable.

² The President, the VPA and the VPH shall decide on an action plan based on the investigation report. They will also recommend who will be responsible for following up the action plan, in order to ensure the most permanent solution possible.

³ The action plan may include corrective measures or sanctions, disciplinary measures (in the case of a disciplinary investigation), support measures for the persons concerned, organisational measures and appropriate communication to the persons concerned of the results of the investigation and the measures taken.

⁴ Sanctions are provided for in particular by the [Ordonnance sur le personnel du domaine des Ecole polytechniques fédérales](#) or the [Ordonnance de l'EPFL sur les mesures disciplinaires](#). 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.

⁵ The President shall inform the persons concerned and their immediate superior or academic manager of any decisions taken.

⁶ The persons responsible for implementing the action plan shall report to the President after 3, 6 and 12 months.

Section 4 Procedural rules

Article 11 Recusal

Any person called upon to deal with a complaint who, for personal reasons, could be influenced in their independence or impartiality with regard to the author of the complaint or the person implicated must recuse themselves of their own accord (Art. 10 APA). One of the persons involved may also request that a person called upon to deal with the complaint be recused on the ground that they lack the required independence or impartiality.

Article 12 Reporting criminal offences

Pursuant to Article 22a of the Loi sur le personnel de la Confédération, EPFL employees and professors are obliged to report to the criminal prosecution authorities, their line managers or the Swiss Federal Audit Office all crimes and misdemeanours prosecuted ex officio of which they have become aware or that have been reported to them.

Article 13 Rights and duties of the whistleblower

¹ Provided that a report is made in good faith, EPFL shall make every effort to ensure that the person making the report does not suffer any professional or academic harm as a result of the complaint and is able to pursue their report without fear of intimidation, reprisals or discrimination. Employees may thus not be dismissed for filing a report. If a report is made in bad faith or with intent to cause harm, EPFL reserves the right to impose penalties.

² The whistleblower has the right to be heard by the body contacted, or by the Ombudsperson or the expert responsible for an administrative or disciplinary investigation, and to make a statement on the reported situation.

³ The whistleblower must spontaneously inform the body contacted or the Ombudsperson of any further steps they may have taken with other bodies concerning the reported situation.

⁴ The whistleblower shall cooperate in good faith with the Ombudsperson or the expert responsible for the administrative or disciplinary investigation in order to allow the facts to be established.

⁵ The whistleblower does not have the right to be informed of the results of the preliminary investigation or of the administrative or disciplinary investigation and of the measures taken,

unless they can demonstrate a particular personal interest, and where informing them is compatible with the rights of the person implicated and any other persons concerned.

Article 14 Rights and duties of the person implicated

¹ The presumption of innocence applies to the person implicated.

² They have the right to be heard by the relevant body or by the Ombudsperson or the expert charged with an administrative or disciplinary investigation and to comment on the facts reported.

³ They have the right to be accompanied at their hearing by a person of their choice, to the exclusion of any persons otherwise involved in the proceedings. Recourse to a professionally qualified representative is possible; in this case, a contribution from EPFL to the costs is possible under the conditions laid down in the Regulations concerning the payment of court costs and legal fees for Employees (LEX 4.1.7).

⁴ The person implicated has the right to access the documents in the case file and to comment on all of them before the hearing. For preliminary investigations, the scope and the exercise of this right are exclusively determined by Art. 8, para. 4.

⁵ They must collaborate with the body contacted or by the Ombudsperson in charge of the administrative or disciplinary investigation for the purpose of establishing the facts, in accordance with the rules of good faith.

⁶ They must refrain from any form of threats, pressure or reprisals against the whistleblower, or other persons providing information about the reported situation, if they are aware of the latter's identity.

⁷ They have the right to be heard before any sanctions or other measures affecting their legal position are imposed.

Article 15 Obligation to testify

Any employee who may have information useful to the investigation is required to testify, and they must not suffer any prejudice as a result of their testimony. If necessary, they may be discharged from their duty of professional secrecy.

Article 16 Record

The examination hearings shall be recorded and signed by the persons interviewed.

Article 17 Legal remedies

Legal remedies are governed by Art. 37 of the [Federal Act of 4 October 1991 on the Federal Institutes of Technology](#).

Article 18 Additional 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 19 Limitation periods

Reports that refer to events that occurred more than five years ago will not be investigated, subject to any longer limitation periods stipulated by law.

Section 3 Entry into force**Article 20 Entry into force**

This Directive entered into force on 14 August 2017 and was revised on 18 August 2019 (version 1.1), on 1 June 2023 (version 1.2) and on 01.01.2027

On behalf of the Direction of the EPFL:

The President:
Anna Fontcuberta i Morral

The Director of Legal Affairs:
Simon Brunschwig

APPENDIX 1

REPORTING FORM

I. Your contact details

First name Last name:

Accreditation:

Position:

E-mail:

Telephone no.:

II. Who?

Person implicated:

III. What?

Type of legally or ethically improper behaviour observed: describe the type of behaviour observed

IV. Where?

Location where the event observed took place:

V. When?

Date:

Time (if applicable):

VI. Other details

Is there any more information you would like to add? Do you have any evidence to back up your suspicions?

Please list and attach all documents, if any, in support of this accusation

I hereby make this report and certify that the allegations and the attached documents are true and established in good faith.

Date:

Signature: