The Direction of the Ecole polytechnique fédérale de Lausanne,

Based on articles 22a and 34c para 1a of the loi fédérale sur le personnel de la Confédération (LPers – RS 172.220.1) (Federal Act of employees of the Confederation)

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 (Guidelines of the ETH Board for the handling of reports of illegal or unethical conduct observed by members of the ETH Domain)

hereby adopts the following:

Section 1 General Provisions

Article 1 Objectives

1 The present directive aims to implement a whistleblowing procedure and mechanism for the reporting of serious misconduct within or relating to EPFL.
2 The reporting of any suspected serious misconduct is in the interests of EPFL and in keeping with good corporate governance practices.
3 The objective of the present directive is also to protect the whistleblower and avoid the creation of an incriminatory atmosphere at EPFL that would be detrimental to the working environment.
4 The implemented procedure protects the personality and rights of the parties concerned provides an analysis and clear and detailed answers to the EPFL Direction or even the CEPF.

Article 2 Aim

The aim of the present directive is to identify the authorities which may be contacted by a whistleblower regarding a situation of serious misconduct, as defined in article 3 paragraph 3 (below), and to regulate the EPFL procedure regarding the handling of reports of misconduct.

Article 3 Definitions and the ‘Compliance Guide’

1 EPFL has issued a “Compliance Guide” providing information for EPFL staff and students regarding the current regulations, usages and good practices to be observed within EPFL, which must be respected in order to guarantee EPFL values and the achievement of EPFL missions.
2 Everyone is entitled to report the serious misconduct of an EPFL employee or student within the context of his/her activity at EPFL – namely any behaviour which may appear illegal or unethical, or which appears to contradict one or more of the provisions of the Compliance Guide.

If the behaviour in question equates to a crime or prosecutable offence, EPFL students and staff have a duty to report it. Legal provisions establishing a right to refuse to give evidence apply.

3 Behaviour relevant to the current directive notably includes:
   - All criminally reprehensible behaviour
   - Scientific fraud

1 www.epfl.respect.ch
2 See art. 22a of the loi sur le personnel de la Confédération (LPers)
3 See provisions relating to administrative and disciplinary investigations in the Ordonnance sur l’organisation du gouvernement et de l’administration (art. 27a à 27l - RS 172.010.1) and the Ordonnance sur le personnel du domaine des EPF (art. 58 and art 58a - RS 172.220.113)
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- Undeclared conflict of interest
- Non-respect of legal obligations or obligations of supervision
- Abusive use of financial resources and installations
- Non-respect or bypassing of internal directives and control mechanisms
- All forms of abusive behaviour and harassment which may harm rights relating to the personality.

Article 4 Reporting

Any EPFL employee or student is entitled to report instances of misconduct by contacting the relevant bodies:

If they are an employee:
1. Immediate superior;
2. Head of Human Resources;
3. Respect Office;

If they are a PhD student:
1. Thesis supervisor / mentor;
2. Programme director;
3. Deputy to the Vice-President Education for the Doctoral school;
4. Head of Human Resources;
5. Respect Office;

If they are a student:
1. Student Affairs service:
2. Respect Office;

Section 2 Procedure for handling reports

Article 5 Scope of Application

The present regulations are applicable to the Respect Office and the Independent reporting authority designated by EPFL. The procedures practiced by external bodies can be found on their respective websites.

Article 6 Form of report

The whistleblower is encouraged to submit their report in writing (via the form created for this purpose, for example – see Annexe 1 and Annexe 2 of the current directive), so that reporting may be conducted in the most accurate and precise manner possible. As a general rule, the rapport should be signed with the name of its author.

Article 7 Confidentiality

The confidentiality of the actions and information supplied by the whistleblower will be maintained as far as possible. However, confidentiality may be wavered in cases where the divulgence of information is obligatory in accordance with legal provisions or regulations or legal
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proceedings, or indeed if it is in the greater interest of EPFL or the public. The identity of the whistleblower will also be known to those in charge of the procedure.

Article 8 Guarantee
Provided that the whistleblower’s report is made in good faith, EPFL will make every effort to ensure that the whistleblower is not subject to any professional prejudice as a result of his/her actions.

Article 9 Admissibility
Upon receiving a report, the relevant authority will examine its admissibility. The anonymity of the whistleblower does not in itself constitute a reason for admissibility. If the report is judged inadmissible, the authority will inform the whistleblower.

Article 10 Transferral of information to the President of EPFL
If the report is judged admissible, the relevant authority will draft a report intended for the President of EPFL, including the following elements:
- Brief summary of the facts
- If necessary, suggestions for additional inquiries, either via audit or via administrative or disciplinary investigations
- In the case of suggestions for additional inquiries, suggestions of bodies to whom these missions could be entrusted, either internally (notably the Respect Office), or externally (Independent reporting authority, third party agent, ETH Board Internal Audit, CFD)
- Suggestion of the measures to implement in the case of the aforementioned inquiries (for example, lifting of professional confidentiality for staff members)
- If the situation so requires, suggestions regarding the immediate referral to third party authorities (notably criminal investigative authorities).

In all situations, inquiries ordered by the President of EPFL will be supervised by the EPFL reporting authority (either the Respect Office or the EPFL Independent reporting authority).

Administrative and disciplinary investigations are carried out in accordance with the provisions in 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 11 to 14 of the present directive.

Article 11 Right to be heard
During the inquiry process, the parties may receive assistance from and be represented a person of their choice. Their right to be heard is guaranteed.

Article 12 Obligation to give evidence
Any person who may be in the possession of information valuable to the inquiry is obliged to give evidence; he/she must not be subject to any prejudice as a result of his/her testimony. If

4 See art. 27a à 27j de l'Ordonnance sur l'organisation du gouvernement et de l'administration (OLOGA) RS 172.010.1
necessary, professional confidentiality will be lifted for this person, in accordance with article 10 above.

Article 13  Minute-taking
Minutes will be taken of proceedings. Hearings will also be recorded in minutes and signed by the person heard.

Article 14  End of inquiry report and recommendations
A rapport must be issued at the end of the inquiry containing a presentation of all of the information gathered during the investigation, as well as a related assessment. Before drafting this end of inquiry report, the reporting authority responsible for the additional investigations will allow parties to consult the dossier containing the evidence and witness statements gathered and set a deadline for the accused person to take a decision, and if necessary present his/her own evidence. Once the inquiry report has been issued, the reporting body responsible will transfer it to the President of EPFL with notice of the measures to be taken, if necessary.

Article 15  Decisions and sanctions
1 The President of EPFL takes all the measures or decisions justified by the facts established by the independent reporting authority.
2 The sanctions applicable are stipulated in particular by the *l’Ordonnance sur le personnel du domaine des Ecoles polytechniques fédérales* or the *Disciplinary Rules and Regulations concerning Students of the EPFL* these range from a warning to termination of the employment contract in the former case and, for students, from a reprimand to exmatriculation.
3 Review procedures are defined by article 37 of the *Loi fédérale du 4 octobre 1991 sur les écoles polytechniques fédérales*.

Article 16  Supplementary law applicable
The present directive constitutes a supplement to existing federal legislation on federal administrative procedure *Loi fédérale du 20 décembre 1968 sur la procédure administrative* (PA).

Article 17  Costs
Costs relating to the issuance of a report for the President of EPFL and possible additional inquiries are to be covered by the unit concerned by the report (Vice Presidency, School, College, Campus, Centre or Project).
Section 3 Coming into force

Article 18 Coming into force

The present directive came into force on 12 April 2017 and replaces the earlier versions dated 7 July 2007, 1 September 2008 and 10 March 2014.

On behalf of the EPFL Direction:

Martin Vetterli
President

Susan Killias
General Counsel