

**Ordinance
of the Swiss Federal Institute of Technology Zurich
on Disciplinary Measures
(ETH Zurich Ordinance on Disciplinary Measures)**

of 10 November 2020 (Version: 1 November 2021)

This English translation is for information purposes only. The German version is the legally binding document.

*The ETH Zurich Executive Board,
pursuant to Art. 37b, Para 2 of the ETH Act of 4 October 1991¹,
decrees:*

1. Scope and other applicable law

Art. 1

¹ This ordinance applies to

- a. ETH Zurich students (all categories), auditors and doctoral students
- b. Participants in university continuing education programmes and courses organised by ETH Zurich
- c. Persons who are dematriculated from or no longer registered at ETH Zurich, if during their period of matriculation/registration at ETH Zurich they committed a disciplinary offence and ETH Zurich retains an interest in imposing disciplinary measures

² Doctoral students under suspicion of misconduct in connection with their research activities at ETH Zurich are subject to the Procedure to Address Allegations of Research Misconduct at ETH Zurich of 30 March 2004².

2. Disciplinary offences and disciplinary measures

Art. 2 Disciplinary offences in the context of performance assessments

¹ A person who behaves improperly in the context of a performance assessment as defined in Art. 2(d) of the ETH Zurich Ordinance on Performance Assessments of 22 May 2012³ has committed a disciplinary offence. Improper conduct involves the following in particular:

- a. Holding unauthorised aids available for personal use or deploying said unauthorised aids
- b. Holding unauthorised electronic or communication devices available for personal use or deploying said unauthorised electronic or communication devices
- c. Failure to comply with the instructions of examination invigilators
- d. Offences with regard to general examination instructions
- e. Submitting written work or solutions which were not personally authored or prepared, or passing off the work and results of other persons as one's own (plagiarism)

¹ SR 414.110

² See www.rechtssammlung.ethz.ch (RSETHZ 415).

³ SR 414.135.1

² Unauthorised aids and devices are all documents, objects and devices which have not been explicitly declared to be permitted.

Art. 3 Further disciplinary offences

It is a disciplinary offence if a person

- a. disrupts lectures or events organised by ETH Zurich, infringes ETH Zurich regulatory provisions or interferes with ETH Zurich operations;
- b. misuses or unlawfully uses ETH Zurich information and communication resources;
- c. causes harm to ETH Zurich either intentionally or due to gross negligence;
- d. threatens, harasses, coerces or denigrates the honour of ETH Zurich members, guests or visitors or hinders them in their ETH Zurich activities;
- e. misuses an identity document or a perk granted them due to membership of ETH Zurich;
- f. forges or falsifies ETH Zurich documents or uses such documents fraudulently to gain advantage for themselves or for a third party;
- g. commits an act punishable under Swiss law which targets ETH Zurich or where ETH Zurich or ETH Zurich members, in the context of their ETH Zurich activities or studies, are the aggrieved parties;
- h. aids and abets a disciplinary offence or incites another person to commit a disciplinary offence.

Art. 4 Disciplinary measures in the context of performance assessments

¹ In the context of offences in the context of performance assessments as per Art. 2, ETH Zurich can declare performance assessments as failed in the following ways:

- a. Graded performance assessments or continuous performance tasks (“Leistungselemente”) which are part of a performance assessment: Assign them a grade of “1”
- b. Ungraded performance assessments or continuous performance (“Leistungselemente”) tasks which are part of a performance assessment: Declare them “failed”

² The “1” grade will be applied when the average grade in the respective examination block or the final grade in the course unit are computed.

³ Improper conduct in the context of performance assessments, particularly examinations, will be punished with one of the measures listed in Para. 1 irrespective of motive and also in cases where behaviour was negligent. Further disciplinary measures as listed in Art. 5 may also be imposed. Art. 6, Para. 2 still applies.

Art. 5 Further disciplinary measures

ETH Zurich may impose further disciplinary measures, as follows:

- a. Issue a reprimand
- b. Threaten a person with expulsion from ETH Zurich
- c. Temporarily exclude a person from certain courses or performance assessments, or from the use of certain facilities
- d. Temporarily exclude a person from ETH Zurich
- e. Permanently exclude a person from ETH Zurich
- f. Revoke an academic title if this title was acquired illegally or improperly

Art. 6 Common provisions for disciplinary measures

¹ The type and severity of disciplinary measures depend on the culpability, motives and previous behaviour of the person involved and the scope and importance of the ETH Zurich interests which were harmed or jeopardised.

² In cases of particularly minor offences, disciplinary measures may be waived.

Art. 7 Precautionary measures

If a disciplinary offence is serious, or to maintain order, the Rector may, after a preliminary hearing, suspend the affected person from ETH Zurich studies and forbid them access to ETH Zurich facilities until disciplinary proceedings are completed.

Art. 8 Statute of limitations

¹ The statute of limitations expires three months after the offence is discovered. This period is interrupted when disciplinary proceedings are initiated or suspended when criminal proceedings in the same matter commence.

² Disciplinary offences lapse five years after they were committed. Disciplinary offences in the context of performance assessments according to Art. 2, Para. 1 are an exception to this; these always lapse six months after they were committed.

³ If a disciplinary offence has resulted in unlawful acquisition of an academic title from ETH Zurich there is no statute of limitations.

3. Disciplinary authorities

Art. 9 Overview of disciplinary authorities

The disciplinary authorities are:

- a. The investigator
- b. The Rector
- c. The Disciplinary Committee

Art. 10 Investigator

¹ The investigator and the deputy must be employed by ETH Zurich and must have legal qualifications.

² They are appointed by the Rector.

³ The appointment is of indefinite duration. It can be revoked by the Rector.

Art. 11 Disciplinary Committee: Composition and election

¹ The Disciplinary Committee is composed of

- a. The Rector
- b. Two full or associate professors

- c. A representative of the Academic Association of Scientific Staff at ETH Zurich (AVETH)
- d. A representative of the Association of Students at ETH Zurich (VSETH)

² The members of the Disciplinary Committee listed in Para. 1(b) and (c) and their deputies are elected every four years, and the member listed in Para. 1(d) and the respective deputy are elected every two years. Re-election is possible.

³ Acting as the electoral body:

- a. Members listed in Para. 1(b): The Study Conference
- b. Member listed in Para. 1(c): AVETH
- c. Member listed in Para. 1(d): VSETH

Art. 12 Disciplinary Committee: Decisions

¹ The Disciplinary Committee has a quorum if all members or their deputies are present.

² Only members of the Disciplinary Committee are entitled to vote.

³ Decisions are taken by majority vote. The Rector has the deciding vote.

4. Proceedings and jurisdiction

Art. 13 Ascertainment of the disciplinary offence and decision to initiate disciplinary proceedings

¹ If a disciplinary offence is suspected, the following actions are required:

- a. The facts of the case or the indications thereto must be compiled and the evidence secured.
- b. The investigator must be informed immediately.

² The investigator prepares all of the documentation mentioned in Para. 1(a) and any further pertaining documents and requests the Rector to open disciplinary proceedings or to disregard the case.

³ The Rector decides whether to initiate disciplinary proceedings.

Art. 14 Disciplinary proceedings

¹ If disciplinary proceedings are initiated, the investigator must inform the following persons immediately:

- a. Offences in the context of performance assessments: The responsible Vice-Rector, the Director of Studies of the degree programme involved, and the responsible examiner (if the latter was not the person who reported the offence)
- b. Offences in the context of doctoral studies: The doctoral supervisor

² The investigator may call in further persons as experts if necessary, particularly in cases of improper conduct with regard to performance assessments.

³ The Rector decides whether to convene the Disciplinary Committee for the disciplinary proceedings.

⁴ The investigator informs the affected person that disciplinary proceedings against them have been opened, and calls on them to address the purported facts and the question of guilt in written or oral

form in the context of a hearing by an appropriate deadline.

⁵ If the hearing is oral, the statements of the affected person are set down in minutes and presented to the affected person for checking and signature.

⁶ If an investigation in the same matter is also opened by the public prosecutor's office, disciplinary proceedings may be suspended; in this case the statute of limitations is suspended until a legally binding conclusion to the investigation has been reached or a final judgement pronounced.

Art. 15 Confidentiality

All persons involved in the disciplinary proceedings and all persons informed in their regard are bound by an obligation of confidentiality.

Art. 16 Jurisdiction

¹ The Rector and the Disciplinary Committee may impose the disciplinary measures set out in Art. 4, Para. 1 and Art. 5(a) and (b).

² The disciplinary measures set out in Art. 5(c)–(f) may only be imposed by the Disciplinary Committee.

³ If the Rector convenes the Disciplinary Committee the latter will impose the disciplinary measures.

⁴ The Rector may delegate the responsible Vice Rector to impose a disciplinary measure on the Rector's behalf, unless the Disciplinary Committee is responsible for the case.

⁵ If the Disciplinary Committee decides to impose a disciplinary measure, it will be decreed pursuant to a request submitted by the Committee to the Rector.

Art. 17 Disciplinary decision

¹ The disciplinary decision is communicated in writing in the form of a decree. Its communication by electronic means is inadmissible.

² The notification of the disciplinary decision must include grounds and instructions on the right of appeal.

Art. 18 Legal protection

Appeals against decrees issued on the basis of this Ordinance may be lodged with the ETH Appeals Commission within 30 days of receipt of the decree.

Art. 19 Reporting

¹ At the beginning of each academic year the Rector submits a written report to the Study Conference which lists the number of disciplinary proceedings conducted in the past academic year; the respective types of disciplinary offence investigated; and the respective disciplinary measures imposed.

² The report is anonymised.

Art. 20 Criminal liability

If an offence may constitute a criminal act under federal or cantonal law, ETH Zurich will press charges. Where the criminal offence requires a complaint to be made by the victim, ETH Zurich may waive this action.

5. Final clauses

Art. 21 Annulment of previous ordinance

The ETH Disciplinary Code of 2 November 2004⁴ is hereby annulled.

Art. 22 Effective date

This ordinance enters into force on 1 November 2021.

⁴ AS 2004 5287