

Disciplinary Code of the Swiss Federal Institute of Technology Zurich (ETH Zurich Disciplinary Code)

of 2 November 2004 (Version 28 December 2004)

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The ETH Zurich Executive Board,

pursuant to Art. 16 of the ETHZ-ETHL Ordinance of 13 November 2003¹,
hereby decrees:

Art. 1 Scope and other applicable law

¹ This ordinance applies to all ETH students, auditors, doctoral students, and participants in university continuing education programmes organized by ETH Zurich.

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

³ Violations in connection with the use of telematics resources will be dealt with in accordance with the Acceptable Use Policy for Telematics Resources at ETH Zurich of 19 April 2005³.

Art. 2 Disciplinary offences

This disciplinary code is applied if persons

- a. exhibit dishonest conduct in performance assessments, i.e. attempt illicitly to gain personal advantage or advantage for a third party;
- b. submit a written assignment which they have not authored personally, or in which they pass off as their own the findings and insights of another person (plagiarism);
- c. disrupt lectures or events organized by ETH Zurich, or otherwise interfere with ETH Zurich operations;
- d. cause harm to ETH Zurich either intentionally or due to gross negligence;
- e. threaten or harass faculty members, employees, students, guests or visitors, or hinder them in their ETH Zurich activities;
- f. misuse an identity card or a benefit to which they are entitled as ETH Zurich members.

¹ SR 414.110.37

² RSETHZ 415; see <http://www.rechtssammlung.ethz.ch>

³ RSETHZ 203.21

Art. 3 Sanctions

¹ ETH Zurich may impose the following sanctions:

- a. Issue a reprimand
- b. In the cases described under Art. 2(a) and (b), declare as failed:
 1. Tiered degree programmes: A performance assessment and (if an examination is part of an examination block) the entire corresponding examination block
 2. Non-tiered programmes: Examinations, written assignments or the entire examination level
 3. University continuing education programmes: A performance assessment
- c. Exclude a person from specific courses or facilities for a period not exceeding three years
- d. Threaten a person with expulsion from ETH Zurich
- e. Expel a person from ETH Zurich for a period not exceeding three years
- f. Revoke an academic title if acquired illicitly

² The type and severity of the sanction depend on the offence, the respondent's motives and previous behaviour, and the extent and importance of the ETH Zurich interests which were harmed or jeopardized.

Art. 4 Statute of limitations

¹ The statute of limitations expires three months after the offence is discovered.

² Disciplinary proceedings for offences committed in connection with performance assessments must be initiated within six months of the violation. Offences related to Diploma/Bachelor's/Master's/doctoral theses are exempt from this time limit.

Art. 5 Disciplinary agencies

¹ The disciplinary agencies are:

- a. The Rector
- b. The Disciplinary Committee

² The Disciplinary Committee consists of:

- a. The Rector;
- b. Two members of the Study Conference [*Studienkonferenz*]; and
- c. A representative of the Academic Association of Scientific Staff at ETH Zurich (AVETH).

³ The Study Conference and AVETH elect representatives and deputy representatives to the Disciplinary Committee every two years. Re-election is possible.

Art. 6 Recording of circumstances and information

¹ For incidents as described in Art. 2 the circumstances must be recorded and the evidence secured.

² The person who records the circumstances must immediately inform the following persons:

- a. All cases: the Rector and the responsible Vice-Rector
- b. Offences in connection with performance assessments: The Director of Studies of the affected degree programme and the responsible examiner, provided that the latter has not already recorded the facts
- c. Offences in connection with doctoral studies: The doctoral supervisor

³ The persons involved are bound by confidentiality.

Art. 7 Cognisance of the Rector

¹ If offences are minor the Rector is authorised to impose the sanctions described in Art. 3, Para. 1 (a)-(d). The Rector will hear the respondent beforehand.

² In particularly minor cases the Rector may waive sanctions.

³ If offences are not minor the Rector will convene the Disciplinary Committee.

Art. 8 Proceedings in the context of non-minor offences

¹ The Disciplinary Committee decides whether it will deal with an incident or refer it back to the Rector for further consideration.

² The Disciplinary Committee may involve further persons in the enquiry: the Vice-Rector, the Director of Studies of the affected degree programme and (for offences committed in connection with doctoral studies) the doctoral supervisor.

³ The Disciplinary Committee decides according to the results of the enquiry whether to pursue or to suspend the proceedings.

⁴ If the Disciplinary Committee chooses to pursue the proceedings it will inform the respondent of the results of the enquiry and, providing a reasonable period of time for this purpose, of the place where the respondent may examine the pertaining documents under supervision.

⁵ The respondent may respond to the accusation and the question of guilt within a reasonable period.

Art. 9 Decisions of the Disciplinary Committee

¹ The Disciplinary Committee has a quorum if all members 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 If the Disciplinary Committee decides to impose a sanction this will be enacted by the Rector at the Committee's request.

Art. 10 Notification of the disciplinary decision

¹ Notification of a disciplinary decision proceeds in writing and in the form of a decree. Notification by electronic means is inadmissible.

² Notification must contain the grounds for the decision and instructions on the right of appeal.

Art. 11 Legal protection

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

Art. 12 Reporting

¹ The Rector will submit a written report regarding pending and concluded disciplinary cases to the Study Conference at its first meeting each semester.

² The report will be in anonymised form.

³ The report must be approved by the Study Conference.

Art. 13 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.

Art. 14 Effective Date

This ordinance comes into force on 1 January 2005.