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Federal Act on the Federal Institutes of Technology (ETH Act)

of 4 October 1991 (Status as of 1 September 2023)

The Federal Assembly of the Swiss Confederation,
based on Articles 63a paragraph 1 and 64 paragraph 3 of the Federal Constitution¹,
and having considered the Dispatch of the Federal Council dated
14 December 1987^{2,3}
decrees:

Chapter 1 General Provisions

Art. 1 Scope

¹ This Act applies to the Federal Institutes of Technology Domain (ETH Domain) comprising the following:

- a. the Federal Institute of Technology Zurich (ETHZ);
- b. the Federal Institute of Technology Lausanne (EPFL);
- c.⁴ four research institutes (EMPA, EAWAG, PSI and WSL).

² These institutions are subject to federal control.

Art. 2 Purpose

¹ The two federal institutes of technology and the four research institutes within the ETH Domain shall:

- a. educate students and specialists in scientific and technical fields and ensure continuing education and training;
- b. expand scientific knowledge through research;

AS 1993 210

¹ SR 101

² BBl 1988 I 741

³ Amended by No I of the FA of 17 June 2011, in force since 15 Nov. 2011 (AS 2011 4789; BBl 2011 757).

⁴ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

- c. support junior scientific staff;
- d. provide scientific and technical services;
- e.⁵ ensure a dialogue with the public;
- f.⁶ exploit their research findings.

² They shall take account of Switzerland's needs.

³ They shall discharge their remit at an internationally recognised level and encourage international cooperation.

⁴ The guiding principles for teaching and research are respect for human dignity, responsibility in the use of natural resources and the environment together with an evaluation of the consequences of technological applications.

Art. 3 Cooperation and coordination

¹ The two federal institutes of technology and the four research institutes within the ETH Domain shall work with other domestic and foreign education and research institutions. They shall encourage the exchange of students and scientists and the mutual recognition of studies and qualifications.

² For this purpose, they may sign agreements under public and private law.

³ They shall coordinate their activities and within the scope of federal legislation shall contribute to coordination of the Swiss higher education sector and research activities. They shall take part in the coordination of higher education policies at national level and share tasks in particularly cost-intensive areas.⁷

⁴ The two federal institutes of technology shall notify the Swiss Conference of Higher Education Institutions of their average teaching costs per student.⁸

Art. 3a⁹ Cooperation with third parties

The two federal institutes of technology and the four research institutes within the ETH Domain may set up or hold shares in companies or cooperate in other ways with third parties in pursuit of their remit within the scope of the strategic objectives set by the Federal Council for the ETH Domain and the instructions given by the ETH Board.

⁵ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁶ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁷ Amended by Annex No II 3 of the Higher Education Act of 30 Sept. 2011, in force since 1 Jan. 2015 (AS 2014 4103; BBl 2009 4561).

⁸ Inserted by Annex No II 3 of the Higher Education Act of 30 Sept. 2011, in force since 1 Jan. 2015 (AS 2014 4103; BBl 2009 4561).

⁹ Inserted by No I of the FA of 21 March 2003 (AS 2003 4265; BBl 2002 3465). Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

Art. 4¹⁰ Structure and autonomy of the ETH Domain

¹ The ETH Domain shall report to the Federal Department of Economic Affairs, Education and Research (EAER)¹¹. The ETH Domain is independent in the way it regulates its affairs, subject to compliance with this Act.

² The ETH Board is the strategic management body of the ETH Domain.

³ The two federal institutes of technology and the four research institutes within the ETH Domain shall fulfil those responsibilities not expressly assigned to the ETH Board.

Art. 4a¹²**Chapter 2 Federal Institutes of Technology****Section 1 Status and Duties of the Federal Institutes of Technology****Art. 5** Autonomy

¹ ETHZ and EPFL are autonomous public-law institutions established by the Confederation and have their own legal personality.

² Each is independent in the regulation and administration of its affairs. Each has equal status and the individual characteristics of each shall remain intact.

³ They shall enjoy freedom in terms of teaching, learning and research.

⁴ ...¹³

Art. 6 General objectives

The two federal institutes of technology shall prepare their students to carry out independent work using scientific methods. They shall encourage cross-disciplinary thinking, personal initiative and a willingness to continue in education and training.

Art. 7 Scientific disciplines

¹ The two federal institutes of technology shall teach and conduct research in engineering sciences, natural sciences, architecture, mathematics and related disciplines.

¹⁰ Amended by No I of the FA of 21 March 2003, in force since Jan. 2004 (AS **2003** 4265; BBI **2002** 3465).

¹¹ Term in accordance with No I 9 of the O of 15 June 2012 (Reorganisation of the Departments), in force since 1 Jan. 2013 (AS **2012** 3655). This amendment has been made throughout the text.

¹² Inserted by Annex No 3 of FA of 23 June 2006 (New Insurance Number for Old-age and Survivors' Insurance) (AS **2007** 5259; BBI **2006** 501). Repealed by Annex No 9 of the FA of 18 Dec. 2020 (Systematic Use of the OASI Number by Authorities), with effect from 1 Jan. 2022 (AS **2021** 758; BBI **2019** 7359).

¹³ Repealed by No I of the FA of 21 March 2003, with effect from 1 Jan. 2004 (AS **2003** 4265; BBI **2002** 3465).

² They shall integrate the humanities and social sciences into their activities.

³ They shall encourage cross-disciplinary teaching and research.

Art. 8 Teaching

¹ The two federal institutes of technology shall discharge their teaching duties in particular by:

- a.¹⁴ educating students in specialist studies at university level leading to academic titles;
- b. offering the opportunity for doctorates;
- c. providing postgraduate courses and other continuing education;
- d. organising special courses;
- e. offering courses for those returning to the employment market.

² In order to do this, they shall rely in particular on the research work of the teaching staff.¹⁵

Art. 9 Research

¹ The two federal institutes of technology shall discharge their research duties by:

- a. conducting scientific studies;
- b. participating in national and international research projects.

² They shall take account of the needs of teaching.

Art. 10 Services

¹ The two federal institutes of technology may take on teaching and research assignments and render other services provided they are compatible with their primary responsibilities in teaching and research.

² If services can be provided equally well by the private sector, the two federal institutes of technology shall not distort competition.

Art. 10a¹⁶ Sale of energy

¹ The two federal institutes of technology and the research institutes may sell at market prices energy produced by their own installations or any energy purchased for their own consumption that remains unused.

² The Federal Council shall regulate the use of the proceeds of such sales.

¹⁴ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465)

¹⁵ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465)

¹⁶ Inserted by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

Art. 10b¹⁷ Quality assurance

¹ The two federal institutes of technology shall review the quality of teaching, research and services at regular intervals and are responsible for sustainably maintaining and improving quality.

² They shall create and operate a quality assurance system under Article 27 of the Higher Education Act of 30 September 2011¹⁸.

³ They shall obtain institutional accreditation.

Art. 11 Social and cultural services

¹ The two federal institutes of technology shall establish social and cultural services for the benefit of their members or participate in existing services. They shall introduce measures to facilitate childcare.¹⁹

² They may grant scholarships or loans.

³ They shall encourage university sport.²⁰

Art. 12 Languages

¹ The two federal institutes of technology shall provide instruction in German, French and Italian and, depending on usage in teaching and research, English as well.²¹

² The Executive Board may authorise other languages of instruction.

³ The two federal institutes of technology shall support Swiss national languages and encourage the understanding of associated cultural values.

Section 2 Federal Institutes of Technology Members and Activities**Art. 13** Definition of member

¹ The following are members of the federal institutes of technology:

- a.²² teaching staff (full professors, associate professors, assistant professors, *Privatdozenten*, *maitres d'enseignement et de recherche* and lecturers);
- b. assistants, scientific staff and doctoral students;

¹⁷ Originally Art. 10a. Inserted by No I of the FA of 21 March 2003 (AS **2003** 4265; BBl **2002** 3465). Amended by Annex No II 3 of the Higher Education Act of 30 Sept. 2011, in force since 1 Jan. 2015 (AS **2014** 4103; BBl **2009** 4561)

¹⁸ SR **414.20**

¹⁹ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4265; BBl **2002** 3465).

²⁰ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4265; BBl **2002** 3465).

²¹ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4265; BBl **2002** 3465).

²² Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4265; BBl **2002** 3465).

- c. students and «auditors» admitted to lectures;
- d. administrative and technical staff.

² The ETH Board may specify other categories of teaching staff.²³

Art. 14²⁴ Teaching staff

¹ Teaching staff shall teach and carry out research independently and on their own authority within the scope of their teaching and research mandate.

² At the proposal of either of the two federal institutes of technology, the ETH Board shall appoint full and associate professors and assign their teaching and research fields.

³ At the proposal of either of the two federal institutes of technology, the ETH Board shall appoint assistant professors for a maximum of four years. It may reappoint them for one further period of four years until they reach the maximum duration of their employment as specified in Article 17b paragraph 2 letter a. A limited-term contract of employment may be terminated subject to due notice.²⁵

⁴ The Executive Board shall award the status of *venia legendi* and appoint *maîtres d'enseignement et de recherche* and lecturers.

Art. 15 Assistants²⁶

¹ The Executive Board shall employ assistants to perform teaching and research duties for temporary periods. The assistants shall have the opportunity to continue their education through research or attending courses.

² and ³...²⁷

Art. 16²⁸ Admission

¹ The following shall be admitted as students in the 1st semester of the Bachelor's degree cycle:

- a. those with a federal or federally recognised baccalaureate or an equivalent qualification from a Swiss or Liechtenstein baccalaureate school;
- b. those with another qualification recognised by the Executive Board;
- c. those with a degree from a Swiss university of applied sciences; or

²³ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

²⁴ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

²⁵ Amended by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

²⁶ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

²⁷ Repealed by No I of the FA of 21 March 2003, with effect from 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

²⁸ Amended by No I of the FA of 28 Sept. 2012, in force since 15 Feb. 2013 (AS 2013 389; BBl 2012 3099).

- d. those who have passed an entrance examination.
- ² The Executive Board shall establish the admission requirements and procedure for:
- a. entry to a higher semester of the Bachelor's degree cycle;
 - b. the Master's degree cycle;
 - c. doctoral studies;
 - d. advanced studies programmes;
 - e. attendance of lectures without awarding of credits.

Art. 16a²⁹ Limits on admission³⁰

¹ The ETH Board may, at the request of the Executive Board, limit admission to the Bachelor's degree cycle or to the Master's cycle for students holding foreign qualifications if there is insufficient capacity. The limits may apply to specific fields of study or to the total number of study places available at the federal institute of technology.³¹

² The ETH Board may, at the request of the Executive Board, impose limits on admission for all students applying for a preparatory course for a Master's cycle in medicine.³²

³ Decisions of the ETH Board are published in the Federal Gazette.

⁴ If admission is limited, then candidates shall be admitted on the basis of their aptitude.

⁵ The Executive Board shall establish the admission requirements and procedure.

Art. 16b³³ Terms of employment for members of the ETH Board, the ETHZ and EPFL presidents and research institute directors

¹ The Federal Council shall regulate the terms of employment and occupational pension scheme of the full-time members of the ETH Board, and the director of each of the four research institutes within the ETH Domain in accordance with the Federal Personnel Act of 24 March 2000³⁴ (FPA) and des PUBLICA Act of 20 December 2006³⁵.

² The other members of the ETH Board have a public-law contractual relationship with the Federal Government. The Federal Council determines the compensation and the other terms of the contract.

²⁹ Inserted by No I of the FA of 28 Sept. 2012, in force since 15 Feb. 2013 (AS 2013 389; BBl 2012 3099).

³⁰ Amended by No I of the FA of 30 Sept. 2016, in force since 1 Feb. 2017 (AS 2017 151; BBl 2016 3089).

³¹ Amended by No I of the FA of 30 Sept. 2016, in force since 1 Feb. 2017 (AS 2017 151; BBl 2016 3089).

³² Amended by No I of the FA of 30 Sept. 2016, in force since 1 Feb. 2017 (AS 2017 151; BBl 2016 3089).

³³ Inserted by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

³⁴ SR 172.220.1

³⁵ SR 172.222.1

Art. 17³⁶ Terms of employment for staff and professors³⁷

¹ The terms of employment for staff and professors are based on the FPA³⁸. The ETH Board is the employer within the meaning of Article 3 paragraph 2 FPA for the ETH Domain.

² The ETH Board shall issue General Terms of Employment for Staff and General Terms of Employment for Professors and submit these two documents to the Federal Council for approval.

³ The General Terms of Employment for Staff may specify alternative salary levels and salary progressions for the following categories of employees in derogation from Article 15 Paragraph 1 FPA:

- a. employees hired for a limited duration as part of their training;
- b. employees hired for a limited duration to work on third-party funded research projects;
- c. employees hired for a limited duration to carry out specific tasks.

⁴ For the employment relationships under paragraph 3, it shall define the criteria for determining the salary level for the aforementioned categories in the General Terms of Employment of Staff in line with the specific requirements of the positions concerned.

⁵ It may delegate the authority to make employer's decisions and to issue implementing provisions for the General Terms of Employment for Temporary Staff to the management of the the federal institutes of technology and of the research institutes.

⁶ Subject to compliance with Article 6 paragraph 5 FPA, it may include private-law provisions in the Terms of Employment for Professors, provided specific requirements of teaching and research so require.

⁷ In exceptional and justifiable cases, it may approve the appointment of professors above the age limit specified in Article 21 of the Federal Act of 20 December 1946³⁹ on the Old-Age and Survivors' Insurance (OASIA). To do so, it may enter into an employment contract under public or private law. It may also issue regulations in the professors' ordinance.

⁸ Professors may on request to the ETHZ or EPFL and with the agreement of the ETH Board remain in employment until the age-limit for men specified in Article 21 paragraph 1 letter a OASIA or until the end of the semester in which they reach this age limit.

⁹ Staff and professors are insured with the Federal Pension Fund (PUBLICA) in accordance with Articles 32a–32m FPA. Within the ETH Domain, the ETH Board is the employer in terms of Article 32b paragraph 2 FPA. It shall represent the ETH Domain as the contracting party.

³⁶ Amended by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

³⁷ Footnote not relevant to English text.

³⁸ SR 172.220.1

³⁹ SR 831.10

Art. 17a⁴⁰ Teaching Assignments

¹ External lecturers shall be employed on the basis of an employment contract in accordance with the Swiss Code of Obligations⁴¹ unless agreed otherwise.

² The employment contract may be established for a series of fixed terms, each of limited duration. However, the total period of employment may not exceed five years. If this five-year period is exceeded, the employment contract shall be regarded as one of unlimited duration.

³ The two federal institutes of technology and the four research institutes within the ETH Domain shall regulate the remuneration payable for teaching assignments.

Art. 17b⁴² Duration of employment

¹ Employment shall be for an unlimited duration unless a limited period is indicated on the employment contract.

² Limited-term employment may be renewed several times for:

- a. assistant professors within a maximum period of eight years;
- b. assistants, senior assistants and other employees carrying out a similar function within a maximum period of six years; if an assistant is promoted to a senior assistant position, the years spent working as an assistant are not taken into account;
- c. employees hired to work on teaching and research projects as well as persons hired to work on third party-funded projects, within a maximum period of nine years;
- d. all other employees within a maximum period of five years.

³ The limits in paragraph 2 letters a and b may on request be extended in the event of lengthy absence due to illness, accident, maternity, adoption or other good cause.⁴³

Art. 18⁴⁴ Scientific publications

Scientific publications must list all those who have made a scientific contribution.

Art. 19 Academic titles, *venia legendi* and certificates

¹ The two federal institutes of technology shall confer:

- a. *Diplome*;

⁴⁰ Inserted by No I of the FA of 5 Oct. 2007, in force since 1 Aug. 2008 (AS 2008 431; BBI 2007 1223).

⁴¹ SR 220

⁴² Inserted by Annex No 2 of the FA of 14 Dec. 2012, in force since 1 July 2013 (AS 2013 1493; BBI 2011 6703).

⁴³ Inserted by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBI 2020 715).

⁴⁴ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBI 2002 3465).

a^{bis}.⁴⁵ Bachelor's and Master's degrees;

b. doctorates;

c. *venia legendi*.

² The ETH Board may create other academic titles.

³ The two federal institutes of technology may issue references and certificates.

Art. 20 Titular professors and honorary doctors

¹ The ETH Board may confer the title of professor on private docents, maîtres d'enseignement et de recherche and lecturers of particular merit.⁴⁶

² The two federal institutes of technology may confer the title of honorary doctor on persons who have rendered particular service to science.

Section 3⁴⁷ **Scientific Integrity and Good Scientific Practice**

Art. 20a Rules, procedures and penalties

¹ The two federal institutes of technology and four research institutes within the ETH Domain shall establish binding rules of scientific integrity and good scientific practice for their members.

² They shall determine the procedure for suspected non-compliance with these rules

³ Penalties for non-compliance with these rules are governed by the provisions of personnel law and provisions on the revocation of academic titles.

Art. 20b Provision and obtaining of information

¹ Bodies of Swiss or foreign higher education institutions, research institutes and research funding institutions responsible for detecting and sanctioning scientific misconduct may submit a specific written request in individual cases to the ETH Board, the two federal institutes of technology and four research institutes within the ETH Domain for information on the following:

- a. if their members have failed to comply with the rules of scientific integrity and good scientific practice or where there is a well-founded suspicion of such a failure to comply;
- b. the penalties imposed on the persons concerned.

⁴⁵ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁴⁶ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁴⁷ Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

² For their part, the ETH Board, the two federal institutes of technology and four research institutes within the ETH Domain may request information from the competent institutions concerning incidences of non-compliance with these rules or a well-founded suspicion of such non-compliance by their member or members of other institutions with which they maintain or wish to enter into research partnerships.

³ Information may no longer be provided or obtained five years after the ETH Board, the two federal institutes of technology or institute within the ETH Domain has become aware of a suspected non-compliance with the rules. This limitation period shall be interrupted by any investigation. The absolute limitation period is ten years.

Art. 20c Notification given to person concerned

¹ The ETH Board, the two federal institutes of technology or the given institute within the ETH Domain shall give written notice to the person whom the information being provided or obtained concerns, at the latest when the information is provided or obtained, of the following:

- a. to whom the information is given or from whom it is obtained;
- b. the purpose for which the information is provided or obtained.

² The ETH Board, the two federal institutes of technology or the given institute within the ETH Domain may refuse, restrict or postpone the provision of information regarding the person in question if the information could hamper criminal proceedings.

³ If the reason for the refusal, restriction or postponement ceases to apply, then the person concerned must be notified immediately, unless this is not possible or only possible with undue effort.

Chapter 3 Research Institutes within the ETH Domain

Art. 21 Autonomy and duties

¹ The four research institutes within the ETH Domain (EMPA, EAWAG, PSI and WSL) are autonomous public-law entities established by the Confederation and have their own legal personality.

² They shall conduct research within their specified field and provide scientific and technical services.

³ To the extent of their capacities, the four research institutes within the ETH Domain shall make themselves available to higher education institutions for the purpose of teaching and research.

Art. 22⁴⁸ Establishment and closure

Research institutes within the ETH Domain may be established or closed by Federal Assembly ordinance.

Art. 23 Applicable law

In the absence of any separate statutory provision relating to the four research institutes within the ETH Domain, the provisions relating to the two federal institutes of technology apply analogously.

Chapter 4 Organisation**Section 1 ETH Board****Art. 24⁴⁹** Composition, election and dismissal⁵⁰

¹ The Federal Council shall elect the following members of the ETH Board for a term of four years:

- a. the President;
- b. the Vice-President;
- c. a director of a research institute within ETH Domain;
- d. a member nominated by the ETHZ and EPFL Assemblies;
- e. five other members.

² Re-election is permitted.

³ The ETHZ President and the EPFL President are *ex officio* members of the ETH Board.

⁴ The Federal Council may dismiss members of the ETH Board for good cause during their term of office.⁵¹

Art. 24a⁵² Committees

The ETH Board may form committees.

⁴⁸ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁴⁹ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁵⁰ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁵¹ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁵² Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

Art. 24b⁵³ Duty of diligence and loyalty

¹ The members of the ETH Board shall carry out their tasks and duties with all due diligence and act in good faith to safeguard the interests of the ETH Domain.

² The ETH Board shall take organisational measures to protect the interests of the ETH Domain and prevent conflicts of interest.

Art. 24c⁵⁴ Disclosure of vested interests

¹ The members of the ETH Board shall disclose their vested interests before their election.

² They shall immediately report changes in their vested interests to the EAER and the ETH Board.

³ If a vested interest is incompatible with membership on the ETH Board and the member retains the vested interest, then the EAER shall submit a request to the Federal Council for dismissal of that member.

⁴ The ETH Board shall provide information about the vested interests of its members in its annual report.

Art. 25 Duties

¹ The ETH Board shall:

- a.⁵⁵ establish the strategy of the ETH Domain within the scope of the strategic objectives of the Federal Council;
- b. represent the ETH Domain in dealings with federal authorities;
- c. issue rules and regulations on the control process and carry out strategic control tasks;
- d. approve the development plans for the ETH Domain and monitor their implementation;
- e.⁵⁶ carry out recruitment and elections falling under its responsibility;
- f.⁵⁷ ...

⁵³ Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁵⁴ Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁵⁵ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁵⁶ Amended by Annex No 2 of the FA of 14 Dec. 2012, in force since 1 July 2013 (AS 2013 1493; BBl 2011 6703).

⁵⁷ Repealed by No I of the FA of 19 March 2021, with effect from 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

- g.⁵⁸ be responsible for coordination and planning in accordance with the Higher Education Act of 30 September 2011⁵⁹;
- h. issue its own rules of procedure;
- i. discharge other tasks assigned to it by virtue of this Act.⁶⁰

² The ETH Board shall submit applications and proposals to the WBF on matters relating to the ETH Domain. If the WBF plans to deviate from proposals submitted by the ETH Board or if it presents its own proposals, it shall consult the ETH Board.

³ The ETH Board shall inform the two federal institutes of technology and the four research institutes within the ETH Domain of issues relating to them.

⁴ It shall oversee the ETH Domain. It may after consulting the two federal institutes of technology and the research institutes in particular issue them with recommendations and in justified cases issue them with orders. It may after consulting the institution concerned take suitable measures if it establishes that there has been an infringement of the law.⁶¹

Art. 25a⁶² Restriction of voting rights and recusal

¹ Members in accordance with Article 24 paragraphs 1 letters c and d and 3 do not have the right to vote on the following matters at meetings of the ETH Board:

- a. the allocation of federal funding;
- b. proposed candidates for the ETHZ and EPFL presidents and the directors of the research institutes;
- c. election of the members of the ETH Appeals Commission and other decisions on ETH Appeals Commission matters.

² The members of the ETH Board in accordance with Article 24 paragraph 1 letter c and paragraph 3 shall recuse themselves in relation to the following items of business;

- a. oversight matters in accordance with Article 25 paragraph 4;
- b. matters relating to financial supervision in accordance with Article 35a⁶³.

Art. 26⁶³ President of the ETH Board

¹ The President of the ETH Board shall direct the activities of the ETH Board and take decisions assigned to the President under the rules of procedure.

⁵⁸ Amended by Annex No II 3 of the Higher Education Act of 30 Sept. 2011, in force since 1 Jan. 2015 (AS 2014 4103; BBl 2009 4561).

⁵⁹ SR 414.20

⁶⁰ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁶¹ Inserted by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

⁶² Inserted by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

⁶³ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

² The President shall represent the ETH Domain in its dealings with third parties.

Art. 26a⁶⁴ Advisory council

The ETH Board may appoint a scientific advisory council.

Art. 26b⁶⁵ Staff

The ETH Board shall have its own administrative staff.

Section 2 Federal Institutes of Technology

Art. 27 Structure

¹ ETHZ and EPFL shall each be comprised of an Executive Board, an Assembly, central bodies and teaching and research units.

² The ETH Board shall define the principles governing the structure of ETHZ and EPFL.⁶⁶

³ ...⁶⁷

Art. 28⁶⁸ ETHZ Executive Board and EPFL Executive Board

¹ The ETHZ President and the EPFL President shall be appointed by the Federal Council at the proposal of the ETH Board. The term of office is four years. Reappointment is possible.

² Appointment and non-reappointment shall take place at the discretion of the appointing authority. The decision not to reappoint must be announced four months in advance. The appointed person may under Article 14 paragraph 2 letter d of the Federal Personnel Act of 24 March 2000⁶⁹ seek to terminate employment at the end of each month as long as the four-month period of notice is adhered to.

³ The Federal Council shall regulate the requirements for payment of compensation in the case of no-fault termination of employment and in the case of termination by mutual consent.

⁴ The other members of the ETHZ Executive Board and the EPFL Executive Board shall be appointed by the ETH Board. The managerial function may be formalised in

⁶⁴ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁶⁵ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁶⁶ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁶⁷ Repealed by Annex No 2 of the FA of 14 Dec. 2012, with effect from 1 July 2013 (AS 2013 1493; BBl 2011 6703).

⁶⁸ Amended by Annex No 2 of the FA of 14 Dec. 2012, in force since 1 July 2013 (AS 2013 1493; BBl 2011 6703).

⁶⁹ SR 172.220.1

a separate terminable contract addendum to an existing employment contract. The employment contract may include a provision for ordinary termination in order to ensure the continuation of functional management. Grounds for ordinary termination may also be the discontinuation of constructive cooperation with the ETHZ President and the EPFL President.

⁵ The ETH Board issues implementing provisions for paragraph 4. In these, it shall establish the requirements for payment of compensation in the case of no-fault termination of employment and in the case of termination by mutual consent.

⁶ The amount of compensation shall correspond to no less than one month's salary and no more than one year's salary.

⁷ Paragraphs 1–6 apply as appropriate for members of the management boards of research institutes.

Art. 29 ETHZ President and EPFL President

¹ The ETHZ President and the EPFL President have overall responsibility for management of their respective federal institute of technology. Each President shall report to the ETH Board.

² The ETHZ President and the EPFL President are responsible for any relevant issue not specifically assigned to another body.

Art. 30⁷⁰ Conference of teaching staff

¹ The Conference comprises teaching staff representatives. The Conference shall advise the Executive Board on issues relating to teaching staff as a whole.

² Members of teaching staff determine the election procedure and rules of procedure of the Conference.

Art. 31 Assemblies

¹ ETHZ and EPFL each have an Assembly in which all groups of members are equally represented.

² The ETHZ Assembly and the EPFL Assembly are each entitled to present motions on:

- a. legislative instruments issued by the ETH Board or its subordinate bodies regarding the federal institute of technology concerned;
- b. budgeting and planning and the creation/abolition of teaching and research units within the federal institute of technology concerned;
- c. structural and participation issues.

³ The ETHZ Assembly and the EPFL Assembly shall submit comments to the ETH Board regarding the Annual Report submitted by the ETHZ President and the EPFL

⁷⁰ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

President; they shall furthermore monitor participation and issue their own rules of procedure. The ETH Board may issue orders granting each Assembly additional responsibilities.⁷¹

⁴ Motions from the ETHZ or EPFL Assembly requiring a decision by a higher-level body shall be transmitted to the latter via its corresponding Executive Board. The ETHZ or EPFL Assembly may arrange for its motions to the ETH Board to be argued by a representative.

⁵ Each Executive Board and the ETH Board shall take decisions of general interest to the federal institute of technology concerned after consultation with the corresponding Assembly and relevant groups of ETHZ and EPFL members.

Art. 32 Participation rights

¹ Representatives of all groups of ETHZ or EPFL members affected by an issue shall participate in:

- a. the opinion-forming and pre-decision process, in particular with regard to issues relating to the teaching, research and planning within the federal institute of technology concerned;
- b. decisions on issues concerning their teaching and research units.

² Each Executive Board shall provide comprehensive information to the members of the federal institute of technology concerned. The latter together with alumni organisations may submit proposals to any body.

³ Teaching and research units shall be run by bodies made up of representatives from the relevant groups of ETHZ and EPFL members.

⁴ In addition, the ETH Board shall regulate the scope of participation and its format.⁷²

Chapter 5⁷³ Strategic Objectives and Finances⁷⁴

Art. 33⁷⁵ Strategic objectives

¹ The Federal Council shall establish the strategic objectives for the ETH domain at four-year intervals as part of the legal framework. It shall consult the ETH Board in advance.

⁷¹ Second sentence amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁷² Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁷³ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁷⁴ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁷⁵ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

² The strategic objectives shall determine in particular the priorities of the ETH Domain in teaching, research and services and the principles under which funds are allocated to the two federal institutes of technology and the four research institutes within the ETH Domain.

³ They shall be aligned with the federal budget both in terms of duration and content.

⁴ The Federal Council may change the strategic objectives during their period of validity if there are important, unforeseeable reasons for doing so.

Art. 33a⁷⁶ Implementation

¹ The ETH Board shall ensure implementation of the strategic objectives of the Federal Council.

² It shall enter into four-year agreements on operational objectives with the two federal institutes of technology and the four research institutes within the ETH Domain. If there is no consensus on the content or implementation of operational objectives, then the ETH Board shall make a final decision.

³ It shall distribute funds allocated by the Confederation; in doing so, it shall rely in particular on the budget proposals made by the two federal institutes of technology and the four research institutes within the ETH Domain.

Art. 34⁷⁷ Reporting

The ETH Board shall submit the following documents to the Federal Council:

- a. its report on achievement of strategic objectives;
- b. its annual report;
- c. the annual audit report;
- d. the report of the Swiss Federal Audit Office, if the SFAO conducted an audit of the ETH Domain during the reporting year.

Art. 34a⁷⁸ Evaluation of performance

¹ The Department shall regularly evaluate the extent to which the performance mandate has been discharged and Federal Council's strategic goals for the ETH Domain have been achieved and, if necessary, propose appropriate measures to the Federal Council.

² The Federal Council shall inform the Federal Assembly.

⁷⁶ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁷⁷ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁷⁸ Amended by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

Art. 34b Financial contribution by the Confederation

¹ The Federal Council shall propose a funding limit to the Federal Assembly. This amount shall cover the operational and investment needs of the ETH Domain.

² The Federal Assembly shall then determine the funding limit for the four-year period.

³ This financial contribution is independent of third-party funding secured by the two federal institutes of technology or the four research institutes within the ETH Domain, both in terms of amount and purpose.

Art. 34b^{bis}⁷⁹ Transfer of use

¹ The ETH Board and, insofar as it determines, the two federal institutes of technology and four research institutes within the ETH Domain may temporarily transfer the use of real estate owned by the Confederation to third parties.

² The Federal Council may waive the delivery of proceeds therefrom if these are only small and if the transfer of use serves the interest of the Confederation.

Art. 34c Third-party funding

¹ The two federal institutes of technology and the four research institutes within the ETH Domain may use funds from third parties provided that that they are compatible with their remit.

² The ETH Board shall issue rules and regulations on the management of these funds.

Art. 34d Fees

¹ The two federal institutes of technology and the four research institutes within the ETH Domain shall charge fees for their services.

² Tuition for Swiss students as well as for foreign students who are resident in Switzerland shall be calculated in accordance with social equity principles.⁸⁰

^{2bis} Higher tuition may be set for foreign students who are resident in Switzerland for the purpose of studying or who are not resident in Switzerland; however, these may not be more than three times the tuition fees established in paragraph 2.⁸¹

³ The ETH Board shall issue a schedule of fees. If it decides to increase fees, it may adopt transitional provisions to avoid economic hardship for students already enrolled.⁸²

⁷⁹ Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁸⁰ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁸¹ Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁸² Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁴ For services, the two federal institutes of technology and the four research institutes within the ETH Domain shall charge fees commensurate with market rates.

Art. 34e Other charges

¹ The two federal institutes of technology and the four research institutes within the ETH Domain may allow member organisations to charge reasonable, socially equitable fees for services provided in the interests of the two federal institutes of technology, the four research institutes within the ETH Domain or their members. Fees shall be listed in rules approved by the two federal institutes of technology or the four research institutes within the ETH Domain as applicable.

² The two federal institutes of technology may charge students and doctoral candidates a socially equitable sum for the use of sports facilities.

Art. 35⁸³ Budget and annual report

¹ The ETH Board shall establish an annual budget and annual report for the ETH Domain.

² The annual report shall contain a status report and annual accounts of the ETH Domain, including:

- a. balance sheet;
- b. profit and loss account;
- c. cash flow statement;
- d. investment appraisal;
- e. equity statement;
- f. annex.

³ The ETH Board shall submit the revised annual report to the Federal Council for approval. At the same time, it shall submit a request for discharge and a proposal on the allocation of any surplus income.⁸⁴

⁴ It shall publish the annual report after approval has been given.⁸⁵

Art. 35a⁸⁶ Finance and accounting⁸⁷

¹ Financial reporting for the ETH Domain will provide a reliable overview of the asset, financial and income situation.

⁸³ Amended by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 389; BBl 2012 3099).

⁸⁴ Second sentence inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁸⁵ Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁸⁶ Inserted by No I of the FA of 28 Sept. 2012, in force since 1 Jan. 2015 (AS 2013 389; BBl 2012 3099).

⁸⁷ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

² Financial reporting shall be based on the principles of materiality, completeness, clarity, consistency, presentation of figures on a gross basis and shall be drafted in accordance with generally recognised standards.

³ The accounting principles and practices underpinning the accountancy and assessment rules must be presented in the annex of the balance sheet.

⁴ Business accounting must be prepared in such a way as to enable ascertainment of the income and expenses for each service.

⁵ The Federal Council may enact provisions on finance and accounting.⁸⁸

Art. 35a^{bis}⁸⁹ Internal control system and risk management

The ETH Board, the two federal institutes of technology and four research institutes within the ETH Domain shall each operate an internal control system and a risk management system in accordance with the requirements specified by the Federal Council.

Art. 35a^{ter}⁹⁰ Financial supervision

¹ The ETH Board shall establish an office responsible for internal audits.⁹¹

² The ETH Board shall issue rules on the exercise of financial supervision within the ETH Domain.⁹²

³ The accounts of the ETH Domain shall be audited by the Swiss Federal Audit Office.

Art. 35a^{quater}⁹³ Treasury

¹ As part of its central treasury management of the ETH Domain, the Federal Finance Administration (FFA) shall manage the group's cash and cash equivalents received directly or indirectly from the Confederation. The other funds may be invested with the FFA.

² The FFA shall provide the ETH Domain with loans at market conditions to ensure adequate liquidity enabling the fulfilment of tasks.

³ The FFA and the ETH Board shall agree on the details in a public contract.

⁸⁸ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁸⁹ Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁹⁰ Originally Art. 35a, then Art. 35a^{bis}.

⁹¹ Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁹² Amended by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

⁹³ Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

Chapter 6 Real Estate and Intellectual Property Rights⁹⁴

Art. 35^{b95} Real estate

- ¹ The Federal Council shall regulate the use of real estate owned by the Confederation.
- ² The ETH Board shall coordinate the management of real estate and ensure that both value and function are maintained.

Art. 36⁹⁶ Intellectual property rights

- ¹ With the exception of copyright, all other rights to intellectual property created during the official duties of persons in an employment relationship as defined in Article 17 shall belong to the two federal institutes of technology and the four research institutes within the ETH Domain.
- ² The exclusive right to use computer programs created by persons in the course of their official duties in an employment relationship as defined in Article 17 shall rest solely with the two federal institutes of technology and the four research institutes within the ETH Domain. The two federal institutes of technology and the four research institutes within the ETH Domain may enter into binding arrangements with the holders of other categories of copyright for the assignment of those rights.
- ³ Persons who have created intellectual property as defined in paragraphs 1 and 2 shall be entitled to an adequate share in profits generated by its exploitation.
- ⁴ The ETH Board shall issue implementing provisions in an ordinance; it shall require the approval of the Federal Council.

Chapter 6^{a97} Data Processing

Section 1

Personnel Information and Study Administration Systems⁹⁸

Art. 36^{a99} Personnel information systems

- ¹ The ETH Board, the two federal institutes of technology and the four research institutes within the ETH Domain shall each maintain a personnel information system in

⁹⁴ Inserted by No 1 of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁹⁵ Inserted by No 1 of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁹⁶ Amended by No 1 of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

⁹⁷ Inserted by Annex No 2 of the FA of 14 Dec. 2012, in force since 1 July 2013 (AS 2013 1493; BBl 2011 6703).

⁹⁸ Inserted by No 1 of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

⁹⁹ Amended by No 1 of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

which sensitive personal data may also be processed.¹⁰⁰ Article 27 FPA¹⁰¹ applies to the personnel information systems and by analogy to private law terms of employment.

² The ETH Board may delegate the processing of the data on its personnel to the ETHZ, the EPFL or one of the four research institutes within the ETH Domain.

³ Procedures and processes for the systematic evaluation of data in electronic form may be used in the personnel information systems.

⁴ The ETH Board shall issue implementing provisions and submit these to the Federal Council for approval.

Art. 36b Study administration systems

¹ Both the ETHZ and EPFL shall each administer an information system on prospective students, undergraduate and graduate students, doctoral students and auditors in which sensitive personal data may be processed.¹⁰²

² These information systems shall be used for:

- a. admission of prospective students to study programmes and enrolment;
- b. identifying students and monitoring progress in their studies;
- c. certifying the obtaining of credits, the issuance of qualifications and the awarding of academic titles;
- d. providing services relating to studies;
- e. planning and generating statistics.

³ The following data in particular shall be processed in the information systems: personal data, enrolment data, field of study, course of studies, examination results, credits, qualifications and academic titles, scholarships/grants and fees paid as well as disciplinary and other administrative procedures.

⁴ Data may be administered exclusively in electronic form. In this case, documents in hardcopy form are either returned or destroyed once the data has been entered into the information system.

⁵ The data contained in the information systems, if required for performance of the tasks mentioned in paragraph 2 above, may be disclosed through a request procedure. Only the services responsible for study administration at the ETHZ and EPFL shall have online access to sensitive data.¹⁰³

⁶ The ETHZ and EPFL shall issue implementing provisions on:

- a. the data contained in their respective information systems;

¹⁰⁰ Amended by Annex 1 No II 32 of the Data Protection Act of 25 Sept. 2020, in force since 1 Sept. 2023 (AS 2022 491; BBl 2017 6941).

¹⁰¹ SR 172.220.1

¹⁰² Amended by Annex 1 No II 32 of the Data Protection Act of 25 Sept. 2020, in force since 1 Sept. 2023 (AS 2022 491; BBl 2017 6941).

¹⁰³ Second sentence amended by Annex 1 No II 32 of the Data Protection Act of 25 Sept. 2020, in force since 1 Sept. 2023 (AS 2022 491; BBl 2017 6941).

- b. the processing of data, particularly the capture, storage, communication, archiving and destruction;
- c. the use of data;
- d. data processing permissions;
- e. access permissions within the ETHZ or EPFL;
- f. the communication of non-sensitive data from the information systems to organisations and persons outside the ETHZ or EPFL through request procedures.

Section 2¹⁰⁴ Handling of Personal Data in Research Projects

Art. 36c¹⁰⁵ Data processing

¹ Within the scope of research projects, the two federal institutes of technology and the four research institutes within the ETH Domain may process personal data, including sensitive personal data, insofar as this is required for the given project.

² In doing so, they shall ensure compliance with the provisions of the Data Protection Act of 25 September 2023¹⁰⁶.

Art. 36d Anonymisation, storage and destruction of data

¹ The two federal institutes of technology and four research institutes within the ETH Domain shall ensure that personal data is made anonymous as soon as the purpose of data processing permits and stored for the periods specified by them.

² If anonymisation is not possible due to the purpose of the research project, personal data used in research may be stored for a maximum of 20 years.

³ After expiry of the maximum storage period, the data must be destroyed; the provisions of the Federal Act of 26 June 1998¹⁰⁷ on Archiving shall remain reserved.

Art. 36e Obligation to inform

¹ The two federal institutes of technology and four research institutes within the ETH Domain are required to inform the persons affected regarding the collection and processing of personal data in connection with a specific research project.

² The obligation to inform shall also apply if the personal data are obtained from third parties. In this case, the two federal institutes of technology and four research institutes within the ETH Domain shall ensure that the third parties fulfil their obligation to inform. If this cannot be guaranteed, the two federal institutes of technology and

¹⁰⁴ Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).

¹⁰⁵ Amended by Annex 1 No II 32 of the Data Protection Act of 25 Sept. 2020, in force since 1 Sept. 2023 (AS 2022 491; BBl 2017 6941).

¹⁰⁶ SR 235.1

¹⁰⁷ SR 152.1

four research institutes within the ETH Domain shall immediately inform the persons concerned directly.

Section 3¹⁰⁸ Handling Personal Data for Teaching

Art. 36f

¹ The two federal institutes of technology and the research institutes may process personal data, including sensitive personal data, in order to develop, use and evaluate teaching methods that use information technologies.

² They shall ensure compliance with the provisions of the Federal Act of 19 June 1992¹⁰⁹ on Data Protection.

Chapter 6b¹¹⁰ Security

Section 1 Security Services

Art. 36g Establishment

¹ The two federal institutes of technology and the research institutes may each establish security services insofar as this is required to protect their staff, students and visitors and to guarantee security and order on their premises.

² They may establish joint security services by contract.

³ They may engage third parties to provide security services.

Art. 36h Powers

¹ The security services shall ensure respect for the house rules by enforcing the access and use regulations in buildings and on the non-public premises of the federal institute of technology or research institute concerned. They may question persons and carry out identity checks. In addition, they may stop, check and remove persons who violate the house rules or the operating regulations.

² In order to fulfil their duties, they may process data containing information establishing the identity of a person and on violations by a person of regulations that protect persons and equipment in buildings and on the non-public premises of the two federal institutes of technology and the research institutes.

³ When delegating security tasks to a third party, the two federal institutes of technology or the research institutes shall contractually agree with the third party that the third party physically and logically separates the required data processing systems

¹⁰⁸ Inserted by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

¹⁰⁹ SR 235.1

¹¹⁰ Inserted by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

from its other data processing systems. They shall require the third party not to use the data of the two federal institutes of technology or the research institutes for any other purpose, and shall ensure that they have their own rights of access and control.

⁴ The security services shall pass on any information relating to criminal offences to the competent federal and cantonal police authorities.

⁵ The provisions on security guards under the nuclear energy legislation for federal institutes of technology or research institutes that hold a licence under the Nuclear Energy Act of 21 March 2003¹¹¹ are reserved.

Section 2 Video Surveillance

Art. 36i

¹ The two federal institutes of technology and the research institutes may install a video surveillance system insofar as this is necessary in order to protect their staff, students and visitors, their infrastructure and operations.

² Video signals may be recorded. In the event of any security-relevant incidents, recordings must be viewed and secured by the person responsible no later than the first working day after the incident is discovered. Unsecured recordings shall be deleted after 20 days at the latest.

³ Recordings may only be shown to prosecuting authorities or authorities with which the federal institutes of technology or the research institutes file a complaint or against which they assert legal claims. Only these authorities are permitted to analyse the recordings.

⁴ The two federal institutes of technology and the research institutes shall store secured recordings in a way that protects them from theft and misuse. They shall destroy them after 100 days at the latest, unless they are being used as evidence in ongoing legal proceedings or disciplinary proceedings. The records may be re-used in anonymous form for training or accident prevention purposes.

⁵ The provisions on security precautions under the nuclear energy legislation for federal institutes of technology or research institutes that hold a licence under the Nuclear Energy Act of 21 March 2003¹¹² are reserved.

¹¹¹ SR 732.1

¹¹² SR 732.1

Chapter 7 Rights of Appeal, Disciplinary and Criminal Provisions¹¹³

Art. 37¹¹⁴ Rights of appeal

¹ The appeals procedure shall comply with the general provisions on the administration of federal justice, unless stipulated otherwise in this Act.

² The ETH Board, the two federal institutes of technology and the four research institutes within the ETH Domain shall have a right of appeal against decisions made on appeal if they ruled at first instance on the case. The ETHZ Assembly and the EPFL Assembly each have a right of appeal if the contested rulings relate to matters on which they have shared decision-making powers.

^{2bis} The two federal institutes of technology have no right of appeal against decisions taken by the ETH Board under Articles 25 paragraph 1 letter e and 33a paragraph 3.¹¹⁵

³ Rulings issued by the two federal institutes of technology and the four research institutes within the ETH Domain may be appealed to the ETH Appeals Commission. Excluded from the foregoing are rulings that are based on the Government Liability Act of 14 March 1958^{116,117}

⁴ If the appeal relates to the results of examinations or doctorates, the results may not be challenged on the grounds that they are unreasonable.

Art. 37a¹¹⁸ ETH Appeals Commission

¹ The Federal Council shall elect the seven members of the ETH Appeals Commission.¹¹⁹ At least four must be members of the ETH Domain.

² Each member is elected for a term of four years; re-election is permitted.

³ Members shall be independent in the exercise of their duties and subject only to the rule of law.

⁴ For administrative purposes, the Commission shall report to the ETH Board; it shall have its own secretariat.

⁵ The Federal Council shall issue the rules of procedure for the Appeals Commission.¹²⁰ In particular, it shall regulate the jurisdiction of the Chairman in urgent cases

¹¹³ Inserted by No I of the FA of 21 March 2003 (AS 2003 4265; BBl 2002 3465). Amended by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

¹¹⁴ Amended by Annex No 36 of the Administrative Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS 2006 2197 1069; BBl 2001 4202).

¹¹⁵ Inserted by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

¹¹⁶ SR 170.32

¹¹⁷ Amended by No II of the FA of 25 Sept. 2009, in force since 1 March 2010 (AS 2010 651; BBl 2009 469).

¹¹⁸ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

¹¹⁹ Amended by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

¹²⁰ Amended by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

and in cases of lesser importance, together with the formation of panels with independent decision-making powers.

Art. 37b¹²¹ Disciplinary rules

¹ The two federal institutes of technology and the research institutes may take disciplinary measures against students, auditors and doctoral students.

² They shall regulate the disciplinary offences, disciplinary measures and procedure in ordinances.

³ Provision may be made for the following disciplinary measures for serious or repeated disciplinary offences:

- a. temporary exclusion from specific courses, examinations or premises;
- b. non-admission to a study level;
- c. temporary exclusion from the federal institute of technology or the research institute;
- d. permanent exclusion from the federal institute of technology or the research institute;
- e. the withdrawal of an academic title if this has been acquired unlawfully by means of a disciplinary offence.

⁴ In individual cases in response to a written request the two federal institutes of technology and the research institutes may notify each other about serious disciplinary offences.

Art. 38 Protection of titles awarded by federal institutes of technology

¹ Any person who:

- a. claims to be a lecturer at a federal institute of technology without being appointed as such;
- b. uses the title of a qualification of a federal institute of technology that has not been conferred on him or her;
- c. uses the title of a qualification that gives the impression that it was conferred on him or her by a federal institute of technology;

shall be liable to a fine.¹²²

² The prosecuting authority is the canton.

¹²¹ Inserted by No I of the FA of 19 March 2021, in force since 1 Nov. 2021 (AS 2021 603; BBl 2020 715).

¹²² Amended by Art. 333 of the Swiss Criminal Code (SR 311.0) in the version of the FA of 13 Dec. 2002, in force since 1 Jan. 2007 (AS 2006 3459; BBl 1999 1979).

Chapter 8¹²³ Final Provisions

Section 1 Supervision and Implementation Provisions¹²⁴

Art. 39 ...¹²⁵

¹ The Federal Council shall exercise ultimate supervision over the two federal institutes of technology and the four research institutes within the ETH Domain.

² The Federal Council shall issue the relevant implementation provisions. It may delegate the regulation of details to the ETH Board.

³ The Federal Council may enter into international treaties within the scope of this Act and approved credits.

⁴ The Federal Council shall consult the ETH Board before issuing implementation provisions and signing agreements under international law. Personnel associations shall be consulted before service regulations are issued.

Section 2 Amendment of Current Legislation¹²⁶

Art. 40 Repeal and amendment of current legislation¹²⁷

¹ The following are repealed:

1. The Federal Act of 7 February 1854¹²⁸ on the Establishment of a Federal Polytechnic.
2. The Federal Act of 11 December 1964¹²⁹ on the responsibility for determining the payments made by the Confederation to former professors of the federal institutes of technology and their survivors.
3. The Federal Decrees of 24 June 1970¹³⁰, 20 June 1975¹³¹, 21 March 1980¹³² and 26 June 1985¹³³ on the Federal Institutes of Technology (transitional provisions).

² The following are amended as follows:

¹²³ Originally Chapter 6.

¹²⁴ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

¹²⁵ Repealed by No I of the FA of 21 March 2003, with effect from 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

¹²⁶ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

¹²⁷ Amended by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).

¹²⁸ [BS 4 103; AS 1959 535, 1970 1089 Art. 17, 1979 114 Art. 70]

¹²⁹ [AS 1965 417]

¹³⁰ [AS 1970 1089, 1975 1759, 1980 886, 1991 2276]

¹³¹ [AS 1975 1759]

¹³² [AS 1980 886]

¹³³ [AS 1985 1452]

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Section 3¹³⁵

Transitional Provisions relating to the Amendment of 21 March 2003

Art. 40a Transfer to new terms of employment

The ETH Board may terminate the tenure of full and associate professors on a date to be decided by the Board and regulate their transfer to the new terms of employment. These transitional rules shall require the approval of the Federal Council.

Art. 40b Transfer to the Federal Pension Fund

¹ Full and associate professors appointed prior to 1 January 1995, including those already in retirement and their survivors, shall be insured with the Federal Pension Fund from the commencement date of this Act.

² Current pension payments and pensions paid to survivors shall remain unchanged. Reversionary pensions payable to survivors and adjustments for inflation shall be based on the provisions applicable to the Federal Pension Fund.

³ The Confederation shall be responsible for the mathematical reserves required to transfer the insured to the Federal Pension Fund.

⁴ The Federal Council shall determine the transfer procedure and the required mathematical reserves.

Art. 40c Transfer of movable property

The Federal Council shall issue an ordinance indicating the date on which the ownership of movable property is transferred to the two federal institutes of technology and the four research institutes within the ETH Domain.

Art. 40d Transitional provisions on appeal procedures

¹ The ETH Board shall issue rules of procedure for the ETH Appeals Commission within one year of the commencement date of this Act.

² Until these rules of procedure come into force, the ETH Board shall remain responsible for the appeal process specified in Article 37 paragraph 1.

³ As soon as these rules of procedure come into force, appeals pending before the ETH Board shall be transferred to the jurisdiction of the ETH Appeals Commission.

¹³⁴ The amendments may be consulted under AS **2003** 4265.

¹³⁵ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4265; BBl **2002** 3465).

Section 3a¹³⁶ Transitional Provisions to the Amendment of 5 October 2007

Art. 40e

Article 17a applies to all external teaching assignments issued from 5 October 2007¹³⁷, the date on which the Amendment to this Act comes into force. All external teaching assignments issued before 5 October 2007 must be adjusted by the start of the following semester.

Section 3b¹³⁸ Transitional Provisions for 2012

Art. 40f Funding limit in accordance with Article 34b

¹ In derogation from Article 34b paragraph 2, the Federal Assembly shall extend the duration of the existing funding limit for 2008–2011 by one year in order to include 2012.

² The existing funding limit will be replenished in accordance with the performance mandate.

Art. 40g Performance mandate in accordance with Article 33

¹ The performance mandate for 2008–2011 in accordance with Article 33 shall be extended by one year and continues to apply in 2012.

² It may be amended and added to.

³ The agreements on operational objectives for 2008–2011 reached between the ETH Board and the two federal institutes of technology and the four research institutes within the ETH Domain on the basis of Article 33a shall also apply in 2012. The ETH Board may add to the agreements.

Art. 40h Election of the ETH Board in accordance with Article 24

In derogation from Article 24 paragraph 1, the Federal Council shall elect the members of the ETH Board on 1 January 2012 for a five-year term of office.

¹³⁶ Inserted by No I of the FA of 5 Oct. 2007, in force since 1 Aug. 2008 (AS 2008 431; BBl 2007 1223).

¹³⁷ AS 2008 431

¹³⁸ Inserted by No I of the FA of 17 June 2011, in force since 15 Nov. 2011 (AS 2011 4789; BBl 2011 757).

Section 3^{c139} **Transitional Provision to the Amendment of 14 December 2012**

Art. 40ⁱ

Current terms of office for other members of management boards (Art. 28 para. 4) shall end with issue of a new employment contract, but no later than one year after commencement of the amended Article 28.

Section 4 Referendum and Commencement¹⁴⁰

Art. 41 ...¹⁴¹

¹ This Act is subject to an optional referendum.

² The Federal Council shall determine the commencement date.

Commencement date: 1 February 1993¹⁴²

¹³⁹ Inserted by Annex No 2 of the FA of 14 Dec. 2012, in force since 1 July 2013 (AS **2013** 1493; BB1 **2011** 6703).

¹⁴⁰ Inserted by No I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS **2003** 4265; BB1 **2002** 3465).

¹⁴¹ Repealed by No I of the FA of 21 March 2003, with effect from 1 Jan. 2004 (AS **2003** 4265; BB1 **2002** 3465).

¹⁴² FCD of 13 Jan. 1993.