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

of 4 October 1991 (Status as of 1 May 2017)
b. expand scientific knowledge through research;
c. support junior scientific staff;
d. provide scientific and technical services;
e. ensure a dialogue with the public;
f. 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. 3a 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.

**Art. 4**

**Structure and autonomy of the ETH Domain**

1. The ETH Domain shall report to the Federal Department of Economic Affairs, Education and Research (EAER). 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. 4a**

**Insurance number for old-age and survivors’ insurance**

For the purposes of discharging their statutory responsibilities, the institutions specified in Article 1.1 may systematically use individual insurance numbers of the old-age and survivors’ insurance scheme in accordance with the provisions of the Federal Act of 20 December 1946 on the Old-Age and Survivors’ Insurance.

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**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.

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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.


13 SR 831.10

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.
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. 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.

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.

16 Inserted by No. I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465)
2 If services can be provided equally well by the private sector, the two federal institutes of technology shall not distort competition.

Art. 10a 17 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 2011 18.
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:

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18 SR 414.20
a. teaching staff (full professors, associate professors, assistant professors, Privatdozenten, maîtres d’enseignement et de recherche and lecturers);
b. assistants, scientific staff and doctoral students;
c. students and “auditors” admitted to lectures;
d. administrative and technical staff.

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

Art. 14  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. Their employment may be terminated subject to due notice.
4 The Executive Board shall award the status of venia legendi and appoint maîtres d’enseignement et de recherche and lecturers.

Art. 15  Assistants
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…

Art. 16  Admission
1 The following shall be admitted as students in the 1st semester of the Bachelor’s degree cycle:

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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
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. 16a Limits on admission

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.

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.

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. 17 Terms of employment

1 The Federal Council shall regulate the terms of employment and occupational pension scheme of the full-time members of the ETH Board, the ETHZ President, the EPFL President and the Director of each of the four research institutes within the


1bis 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.\(^{35}\)

2 The terms of employment for staff are based on the Federal Personnel Act of 24 March 2000, unless otherwise stipulated in this Act.

3 If required by the specific needs of teaching and research and subject to compliance with Article 6 paragraph 5 of the Federal Personnel Act of 24 March 2000, the ETH Board may issue rules under private law regulating the terms of employment of professors; these rules require the approval of the Federal Council.

4 In exceptional and justifiable cases, the ETH Board may approve the appointment of professors above the age limit specified in Article 21 of the Federal Act of 20 December 1946\(^{36}\) on the Old-Age and Survivors’ Insurance.

5 Staff are insured with the Federal Pension Fund (PUBLICA). Within the ETH Domain, the ETH Board is the employer as defined in the PUBLICA Act of 20 December 2006\(^{37,38}\).

Art. 17a\(^{39}\) Teaching Assignments

1 External lecturers shall be employed on the basis of an employment contract in accordance with the Swiss Code of Obligations\(^{40}\) 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.

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\(^{33}\) SR 172.220.1
\(^{35}\) Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).
\(^{36}\) SR 831.10
\(^{37}\) SR 172.222.1
\(^{40}\) SR 220
Art. 17b

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.

Art. 18

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;
   a\textsuperscript{bis} 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.

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

\textsuperscript{41} Inserted by Annex No 2 of the FA of 14 Dec. 2012, in force since 1 July 2013 (AS 2013 1493; BBl 2011 6703).


\textsuperscript{44} Amended by No. I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).
Section 3
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.
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. 22 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. 24\textsuperscript{47}  Composition, election and dismissal\textsuperscript{48}

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 \textit{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.\textsuperscript{49}

Art. 24\textsuperscript{a}\textsuperscript{50}  Committees

The ETH Board may form committees.

Art. 24\textsuperscript{b}\textsuperscript{51}  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.

\textsuperscript{48} Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).
\textsuperscript{49} Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).
\textsuperscript{50} Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).
\textsuperscript{51} Inserted by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).
Art. 24 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. 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. carry out recruitment and elections falling under its responsibility;

   f. supervise the ETH Domain;

   g. be responsible for coordination and planning in accordance with the Higher Education Act of 30 September 2011;

   h. issue its own rules of procedure;

   i. discharge other tasks assigned to it by virtue of this Act.

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.

56 414.20
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.

Art. 26
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.

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

Art. 26a
Advisory council

The ETH Board may appoint a scientific advisory council.

Art. 26b
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.

3 ...62

Art. 28 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 2000 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 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. 30 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.

64 SR 172.220.1
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 President; they shall furthermore monitor participation and issue their own rules of procedure. The ETH Board may issue orders granting each Assembly additional responsibilities.66

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.67

Chapter 568 Strategic Objectives and Finances69

Art. 3370 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.

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. 33a71 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. 3472 Reporting
The ETH Board shall submit the following documents to the Federal Council:

70 Amended by No I of the FA of 30 Sept. 2016, in force since 1 May 2017 (AS 2017 151; BBl 2016 3089).
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. 34a Evaluation and measures
The Department shall evaluate the extent to which the performance mandate has been discharged and if necessary propose appropriate measures to the Federal Council. The Department shall submit an interim report to the Federal Assembly on achieving strategic objectives together with a proposal for the next performance period.

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. 34bbis 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.\(^{74}\)

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.\(^{75}\)

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.\(^{76}\)

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. 35\(^{77}\) 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;

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

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

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

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.78

4 It shall publish the annual report after approval has been given.79

Art. 35a80 Finance and accounting81

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

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.82

Art. 35abis 83 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.


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

Art. 35ater 84 Financial supervision

1 The ETH Board shall establish an office responsible for internal audits.85

2 The ETH Board shall issue rules on the exercise of financial supervision within the ETH Domain in consultation with Swiss Federal Audit Office.

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

Art. 35aquater 86 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.

Chapter 6 Real Estate and Intellectual Property Rights87

Art. 35b88 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. 3689 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.

84 Originally: Art. 35a, then Art. 35abis.
85 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 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 6a Data processing

Section 1 Personnel information and study administration systems

Art. 36a 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 which particularly sensitive personal data and personality profiles may also be processed. The ETH Board may delegate the processing of its data in a personnel information system to the ETHZ, the EPFL or one of the four research institutes within the ETH Domain.

2 These personnel information systems shall be used to perform the tasks set forth in the Federal Personnel Act, in particular:

- the administration of personal data relating to employees and management of these data;
- the processing of salary data and conducting of evaluations, budget simulations and personnel cost planning;
- the integration of data management in the financial and accounting management system;
- the administration of relevant data for manager training and development.

3 The following categories of data shall be processed in personnel information systems, if required for performance of the tasks mentioned in paragraph 2 above:

- mother tongue and date of birth;
- nationality;

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c. position and salary, number of years of experience, and non-wage benefits;
d. all information required to levy withholding tax;
e. all information required to implement the Family Allowances Act of 24 March 2006\(^92\);
f. parental leave;
g. public offices held and secondary employment;
h. any medical examinations required to ensure occupational health and safety and their results;
i. working hours, including all manner of absences;
j. behavioural and technical skills as well as training;
k. assessment level, based on performance assessment, as well as rating given to performance assessment;
l. data on personnel development, particularly manager training and development as well as assessment of potential;
m. arrestment of wages, divorce decrees, extracts from the criminal and debt enforcement registers, offsetting of salary payments against debts owed to employer;
n. reduction of working capacity;
o. retirement due to illness;
p. claims filed under social insurance legislation;
q. reasons for departure;
r. other data mentioned in the implementing provisions.

\(^4\) The ETH Board, the two federal institutes of technology and the four research institutes within the ETH Domain shall gather data on their employees. They shall be responsible for data protection and security.

\(^5\) The personnel office, the finance office and the technical support office shall each receive access within their respective institution to the personnel information system, if required for performance of their tasks.

\(^6\) The ETH Board shall issue implementing provisions regarding:
   a. the structure and operation of the personnel information systems;
   b. the processing of data, particularly the capture, storage, communication, archiving and destruction;
   c. data processing permissions;
   d. the data catalogue;
   e. data security and data protection;

\(^92\) SR 836.2
the communication of non-sensitive data from the information systems to organisations and persons outside the ETH Domain through request procedures.

Art. 36b Study administration systems

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

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. Particularly sensitive data and personality profiles may only be disclosed through a request procedure to authorised employees working for student administration within the ETHZ or EPFL.

6 The ETHZ and EPFL shall issue implementing provisions on:
   a. the data contained in their respective information systems;
   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 2 Handling of personal data in research projects

Art. 36c 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 particularly sensitive personal data and personal profiles, insofar as this is required for the given research project.
2 In doing so, they shall ensure compliance with the provisions of the Federal Act of 19 June 1992 on Data Protection.

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 1998 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 four research institutes within the ETH Domain shall immediately inform the persons concerned directly.

94 SR 235.1
95 SR 152.1
Chapter 7 Rights of Appeal and Criminal Provisions\textsuperscript{96}

Art. 37\textsuperscript{97} 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.

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\textsuperscript{98}.\textsuperscript{99}

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. 37\textsuperscript{a}\textsuperscript{100} ETH Appeals Commission

1 The ETH Board shall elect the seven members of the ETH Appeals Commission, whereby 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 ETH Board shall issue the rules of procedure for the Appeals Commission. In particular, the ETH Board shall regulate the jurisdiction of the Chairman in urgent cases and in cases of lesser importance, together with the formation of panels with independent decision-making powers.

\textsuperscript{96} Inserted by No. I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).


\textsuperscript{98} SR 170.32


\textsuperscript{100} Inserted by No. I of the FA of 21 March 2003, in force since 1 Jan. 2004 (AS 2003 4265; BBl 2002 3465).
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.  

2 The prosecuting authority is the canton.

Chapter 8102  Final Provisions

Section 1  Supervision and Implementation Provisions103

Art. 39  …104

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.

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102 Originally chapter 6.
Section 2  Amendment of Current Legislation\textsuperscript{105}

Art. 40  Repeal and amendment of current legislation\textsuperscript{106}

1 The following are repealed:

2. The Federal Act of 11 December 1964\textsuperscript{108} 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 1970\textsuperscript{109}, 20 June 1975\textsuperscript{110}, 21 March 1980\textsuperscript{111} and 26 June 1985\textsuperscript{112} on the Federal Institutes of Technology (transitional provisions).

2 The following are amended as follows:

\ldots\textsuperscript{113}

Section 3\textsuperscript{114}

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

\textsuperscript{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.

\textsuperscript{107} [BS 4 103; AS 1959 535, 1970 1089 Art. 17, 1979 114 Art. 70]
\textsuperscript{108} [AS 1965 417]
\textsuperscript{110} [AS 1975 1759]
\textsuperscript{111} [AS 1980 886]
\textsuperscript{112} [AS 1985 1452]
\textsuperscript{113} The amendments may be consulted under AS 2003 4265.
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.

Section 3d

Transitional Provisions to the Amendment of 5 October 2007

Art. 40e

Article 17a applies to all external teaching assignments issued from 5 October 2007, 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.

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116 AS 2008 431
Section 3b\textsuperscript{117} Transitional Provisions for 2012

Art. 40f\textsuperscript{1} 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\textsuperscript{1} 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\textsuperscript{1} 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.

Section 3c\textsuperscript{118} Transitional Provision to the Amendment of 14 December 2012

Art. 40i\textsuperscript{1}

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.

\textsuperscript{117} Inserted by No. I of the FA of 17 June 2011, in force since 15 Nov. 2011 (AS 2011 4789; BBl 2011 757).

\textsuperscript{118} Inserted by Annex No 2 of the FA of 14 Dec. 2012, in force since 1 July 2013 (AS 2013 1493; BBl 2011 6703).
Section 4 Referendum and Commencement

Art. 41

1 This Act is subject to an optional referendum.

2 The Federal Council shall determine the commencement date.

Commencement date: 1 February 1993


