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Swiss Federal Law on the Swiss Federal Institutes of Technology (Bundesgesetz über die Eidgenössischen Technischen Hochschulen) ETH Law

of 4 October 1991 (Status as of 1 August 2008)

The Federal Assembly of the Swiss Confederation,
with due regard to Articles 27 and 27^{sexies} of the Federal Constitution^{1 2} and the Message of the Swiss Federal Council of 14 December 1987³,

resolves:

Chapter 1: General provisions

Art. 1 Scope

¹This law shall apply to the Domain of the Swiss Federal Institutes of Technology (ETH Domain) comprising the following:

- a. Swiss Federal Institute of Technology Zurich (ETHZ);
- b. Swiss Federal Institute of Technology Lausanne (ETHL);
- c. ⁴Research Institutes

²These institutions come under the Confederation.

Art. 2 Purpose

¹The role of the Swiss Federal Institutes of Technology (ETHs) and the Research Institutes shall be:

- a. to educate students and specialists in scientific and technical fields and ensure continuing education;
- b. to expand scientific knowledge through research;
- c. to foster junior scientific staff;
- d. to provide scientific and technical services;
- e. ⁵to ensure a dialogue with the public;
- f. ⁶to exploit their research findings.

AS 1993 210

²They shall take account of the needs of Switzerland.

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

¹ BS 1 3; AS 1973 1051, 1985 1648]. These provisions comply with Articles 63 and 64 of the Federal Constitution dated April 18, 1999 (SR 101).

² Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

³ BB1 1988 I 741

⁴ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

⁵ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

⁶ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

⁴ The guiding principles for teaching and research are respect for the dignity of man, 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 ETHs and the Research Institutes shall collaborate with other domestic and foreign education and research institutions. They shall encourage the exchange of students and scientists and the mutual recognition of periods of study and qualifications.

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

³ They shall coordinate their activities and participate in efforts at a national level with regard to coordination and planning and in accordance with legislation on support for universities and research.

Art. 3a⁷ Cooperation with third parties

The ETHs and Research Institutes may set up or participate in companies or cooperate in other ways with third parties in order to discharge their remit subject to compliance with their performance mandate and directives from the ETH Board.

Art. 4⁸ Structure and autonomy of the ETH Domain

¹ The ETH Domain shall report to the Swiss Federal Department of Home Affairs (hereinafter referred to as Department). The ETH Domain is independent in the way it regulates its affairs subject to compliance with this Law.

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

³ The ETH and the Research Institutes shall exercise those responsibilities not expressly assigned to the ETH Board.

Art. 4a⁹ Insurance number for old-age and survivors' insurance

The institutions specified in Article 1.1 may use individual insurance numbers for the old-age and survivors' insurance in accordance with the provisions of the Federal Law on old-age and survivors' insurance dated 20 December 1946¹⁰ (Bundesgesetz über die Alters- und Hinterlassenenversicherung) in a systematic way for the purposes of discharging their statutory responsibilities.

Chapter 2 Swiss Federal Institutes of Technology

Part 1: Status and duties of the ETHs

Art. 5 Autonomy

¹ ETH Zurich and ETH Lausanne are autonomous bodies of the Confederation established under public law and with their own legal persona.

² Each is independent in the way it regulates and administers its affairs. Each has equal status and the individual characteristics of each shall remain intact.

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

⁴¹¹

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⁷ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465). Version according to Clause 1.2 of the Federal Law dated 17 June 2005 on budgetary relief 2004, in force since 1 January 2006 (AS 2005 5427 5431; BB1 2005 759)

⁸ Version according to Clause I of the Federal Law dated 21 March 2003, in force since January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁹ Inserted by Annex No. 3 of Federal Law dated 23 June 2006 (New insurance number for old-age and survivors' insurance) in force since 1 December 2007 (AS **2007** 5259 5263; BB1 **2006** 501).

¹⁰ SR 831.10

¹¹ Repealed by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

Art. 6 General objectives

The ETHs shall equip their students to carry out independent work using scientific methods. They shall encourage cross-disciplinary thinking, personal initiative and a willingness to continuing education.

Art. 7 Scientific disciplines

¹ The ETHs shall teach and carry out 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 ETHs shall discharge their teaching duties in particular by:

- a¹². 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.¹³

Art. 9 Research

¹ The ETHs 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 ETHs 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 ETHs shall not distort competition.

Art. 10a¹⁴ Quality assurance

The ETHs shall review the quality of teaching, research and services at regular intervals in accordance with the legislation on support for universities; they are responsible for long-term quality assurance.

Art. 11 Social and cultural services

¹ The ETHs shall establish social and cultural services for the benefit of their members or participate in existing services. They shall introduce measures to facilitate child care.¹⁵

² They may grant scholarships or loans.

³ They shall encourage university sport.¹⁶

¹² Version as per Clause I of the Federal law of 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465)

¹³ ¹³ Inserted by Clause I of the Federal Law of 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465)

¹⁴ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

¹⁵ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

¹⁶ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

Art. 12 Languages

¹ Both ETHs shall provide instruction in German, French and Italian and, depending upon usage in teaching and research English¹⁷ as well.

² The Executive Board may authorise other languages for use in instruction.

³ The ETHs shall foster national languages and encourage the understanding of associated cultural values.

Part 2: ETH Members and their activities**Art. 13** Definition of member

¹ The following are members of the ETHs:

- a. ¹⁸teaching staff (full professors, associate professors, assistant professors, private docents, 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.¹⁹

Art. 14²⁰ Teaching staff

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

² Upon request of the ETHs, the ETH Board shall appoint full and associate professors and define their teaching and research fields.

³ Upon request of the ETHs, the ETH Board shall appoint assistant professors for a maximum of four years with reappointment admissible 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 Assistants²¹

¹ The Executive Board shall employ assistants for 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 ²²

Art. 16²³ Admission

¹ The following are admitted as students in the 1st semester:

- a. those with a Federal or other matriculation certificate recognised at Federal level or an equivalent certificate from a Swiss or Liechtenstein secondary school (Gymnasium)
- b. those with another final certificate recognised by the Executive Board;
- c. those with a diploma from a Swiss university of applied sciences or

¹⁷ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

¹⁸ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

¹⁹ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

²⁰ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

²¹ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

²² Repealed by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

²³ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

d. those who have passed an entrance examination.

- ² The Executive Board shall determine the conditions for admission
- a. to any semester after the 1st semester, in particular for graduates of a Swiss university of applied sciences;
 - b. doctoral students;
 - c. post-diploma students; and
 - d. others admitted to lectures.

Art. 17²⁴ Terms of employment

¹ The Federal Council shall regulate the terms of employment and occupational pension scheme of full-time members of the ETH Board, ETH Presidents and Directors of Research Institutes in accordance with the Law on Federal personnel (Bundespersonalgesetz) dated 24 March 2000²⁵ and the Federal law on the pension fund of the Confederation (Bundesgesetz über die Pensionskasse des Bundes) dated 23 June 2000²⁶.

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

³ If required by the specific needs of teaching and research and subject to compliance with Article 6 No. 5 of the Law on Federal personnel dated 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 Swiss 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 law on old-age and survivors' insurance dated 20 December 1946²⁷.

⁵ Staff are covered by the pension fund of the Confederation. Within the ETH Domain, the ETH Board is classed as employer as defined in the Federal law on the pension fund of the Confederation dated 23 June 2000.

Art. 17a²⁸ Teaching Assignments

¹ External lecturers shall be employed on the basis of a contract of employment that accords with the Code of Obligations (Obligationenrecht)²⁹ unless agreed otherwise.

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

³ The ETHs and the Research Institutes shall regulate the remuneration payable for teaching assignments.

Art. 18³⁰ Scientific publications

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

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

- ¹ The ETHs shall confer:
- a. diplomas;
 - a^{bis} ³¹ bachelor and master degrees;
 - b. doctorates;
 - c. *venia legendi*.

²⁴ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

²⁵ SR **172.220.1**

²⁶ SR **172.220.0**

²⁷ SR **831.10**

²⁸ Inserted by Clause I of the the Federal Law dated 5 October 2007, in force since 1 August 2008 (AS **2008** 431 432; BB1 **2007** 1223).

²⁹ SR **220**

³⁰ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

³¹ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

² The ETH Board may create other academic titles.

³ The ETHs may issue testimonials 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.³²

² The ETHs may confer the title of honorary doctor on persons who have rendered particular service to science.

Chapter 3: Research Institutes

Art. 21 Autonomy and duties

¹ Research Institutes are autonomous bodies of the Confederation established under public law and with their own legal persona.

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

³ In as much as they are able, Research Institutes shall be available to universities for the purpose of teaching and research.

Art. 22³³ Establishment and closure

Research Institutes may be established or closed by decree of the Federal Assembly.

Art. 23 Applicable law

In the absence of any separate statutory provision relating to Research Institutes, the provisions relating to the ETHs shall apply analogously.

Chapter 4: Organisation

Part 1: ETH Board

Art. 24³⁴ Composition

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 from a Research Institute;
- d. a member nominated by the University Assemblies;
- e. five other members.

² Re-election is admissible.

³ ETH Presidents are *ex officio* members of the ETH Board.

⁴ The ETH Board may set up committees.

Art. 25 Duties

¹ The ETH Board shall:

- a. define the strategy of the ETH Domain within the scope of its performance mandate;
- b. represent the ETH Domain in dealings with Federal authorities;
- c. issue rules and regulations on the financial control process and carry out strategic financial controls;

³² Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

³³ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

³⁴ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

- d. approve the development plans of the ETH Domain and monitor their implementation;
- e. hold elections under its jurisdiction;
- f. supervise the ETH Domain;
- g. be responsible for coordination and planning in accordance with the legislation on the promotion of universities and research;
- h. issue its own rules of procedure;
- i. discharge other tasks assigned to it by virtue of this law.³⁵

² The ETH Board shall submit applications and proposals to the Department on matters relating to the ETH Domain. If the Department 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 Board shall inform the ETHs and the Research Institutes of issues relating to them.

Art. 26³⁶ 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. 26a³⁷ Advisory council

The ETH Board may appoint a scientific advisory council.

Art. 26b³⁸ Staff

The ETH Board shall have its own administrative staff.

Part 2: Swiss Federal Institutes of Technology (ETHs)

Art. 27 Structure

¹ The ETHs comprise an Executive Board, a University Assembly, central bodies and teaching and research units.

² The ETH Board shall define the principles governing the ETH organisation.³⁹

³ ETH Presidents shall be elected by the Swiss Federal Council following a nomination by the ETH Board; the ETH Board shall elect the remaining members of Executive Boards. The term of office is four years; re-election is admissible.⁴⁰

Art. 28⁴¹

Art. 29 ETH President

¹ The ETH President shall have overall responsibility for the management of the ETH. The President reports to the ETH Board.

² The ETH President shall have responsibility for any ETH issue not specifically assigned to another body.

³⁵ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

³⁶ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

³⁷ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

³⁸ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

³⁹ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁴⁰ Version according to clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁴¹ Repealed by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

Art. 30⁴² Conference of teaching staff

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

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

Art. 31 University Assembly

¹ Each ETH has a University Assembly with equal representation from all groups of ETH members.

² The University Assembly is entitled to present motions on:

- a. legal instruments relating to the ETH issued by the ETH Board or its subordinate bodies;
- b. ETH budgeting and planning and the creation/abolition of teaching and research units;
- c. structural and participation issues.

³ The University Assembly shall submit comments to the ETH Board on the Annual Report of the ETH President, monitor participation and issue its own rules of procedure. The ETH Board may issue orders granting the University Assembly additional responsibilities.⁴³

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

⁵ The Executive Board and the ETH Board shall take decisions of general interest to the ETH in consultation with the University Assembly and relevant groups of ETH members.

Art. 32 Participation rights

¹ Representatives of all groups of ETH members affected by an issue shall participate in:

- a. the opinion-forming and pre-decision process, in particular with regard to issues relating to teaching, research and planning of each ETH;
- b. decisions on issues concerning their teaching/research units.

² The Executive Board shall provide comprehensive information to ETH members. 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 ETH members.

⁴ In addition, the ETH Board shall regulate the scope of participation and its format.⁴⁴

Chapter 5:⁴⁵ **Performance mandate and finance****Art. 33 Performance mandate**

¹ The Swiss Federal Council shall present a four-year performance mandate for the ETH Domain to the Federal Assembly for approval.

² The performance mandate shall define the main priorities and objectives of the ETH Domain in the areas of teaching, research and services for the period covered by the performance mandate. The performance mandate shall reflect the general scientific strategy of the Confederation and the strategic objectives of the ETH Domain.

³ In terms of both time and content, the performance mandate shall accord with the budgets of the Confederation.

⁴² Version according to clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465). Rectified by the Editorial Commission of the Federal Assembly (Article 33.1 GVG – AS 1992 2344)

⁴³ Version in Sentence 2 of Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁴⁴ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁴⁵ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁴ The performance mandate shall specify the methods and criteria for the monitoring of objectives and the principles under which funds are allocated to the ETHs and the Research Institutes.

⁵ In the event of major unforeseeable circumstances, the Swiss Federal Council may amend the performance mandate during its validity subject to prior consultation with the competent legislative committees.

Art. 33a Implementation

The ETH Board shall conclude agreements on operational objectives with the ETHs and the Research Institutes and distribute funds allocated by the Confederation; in this respect, it shall rely, in particular on budgets prepared by the ETHs and the Research Institutes.

Art. 34 Reporting

¹ At the end of the period covered by a performance mandate, the ETH Board shall submit a report on its discharge to the Swiss Federal Council. This report shall require the approval of the Federal Assembly.

² Moreover, the ETH Board shall include in its annual report to the Swiss Federal Council an update on the discharge of its performance mandate. The Swiss Federal Council shall inform the Federal Assembly.

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 Swiss Federal Council. The Department shall submit an interim report to the Federal Assembly on the discharge of the performance mandate together with a proposal for the next performance period.

Art. 34b Financial contribution by the Confederation

¹ The Swiss 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 – in both amount and purpose – of third-party funding secured by the ETHs or Research Institutes.

Art. 34c Third-party funds

¹ The ETHs and the Research Institutes 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 ETHs and Research Institutes shall charge fees for its services.

² Tuition fees shall be calculated in a socially acceptable way.

³ The ETH Board shall issue a schedule of fees.

⁴ For services the ETHs and Research Institutes shall charge fees compatible with market rates.

Art. 34e Other charges

¹ The ETHs and Research Institutes may allow member organisations to charge reasonable, socially acceptable fees for services provided in the interests of the ETHs, Research Institutes or their members. Fees shall be listed in rules approved by the ETHs or Research Institutes as applicable.

² The ETHs may charge students and doctoral candidates a socially acceptable sum for the use of sports facilities.

Art. 35 Budget and Financial Statements

¹ The ETH Board shall prepare annual budgets for the ETH domain together with a Financial Statement, including balance sheet and income statement in line with commercial principles and accounting standards.

² The ETH Board shall draft rules on the preparation of accounts and submit them to the Swiss Federal Council for approval.

Art. 35a Financial supervision

¹ The ETH Board shall institute a finance inspectorate.

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.

Chapter 6: Real estate and intellectual property rights⁴⁶

Art. 35b⁴⁷ Real estate

¹ The Swiss 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. 36⁴⁸ 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 ETHs and Research Institutes.

² The exclusive right to use computer programs created during the official duties of persons in an employment relationship as defined in Article 17 shall rest solely with the ETHs and the Research Institutes. The ETHs and Research Institutes 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 Clauses 1 and 2 shall be entitled to an adequate share in profits generated by its exploitation.

⁴ The ETH Board shall issue rules on the implementation of the above and these shall require the approval of the Swiss Federal Council.

Chapter 7: Legal remedies and penal provisions⁴⁹

Art. 37⁵⁰ Legal remedies

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

² The ETH Board, the ETHs and the Research Institutes shall have a right of appeal against decisions made on appeal if they ruled at first instance on the case. The University Assemblies have right of appeal if the contested decisions relate to their participation.

³ The ETH Appeals Commission shall rule on appeals against decisions made by the ETHs and the Research

⁴⁶ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁴⁷ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁴⁸ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁴⁹ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁵⁰ Version according to Annex Clause 36 of the Verwaltungsgerichtsgesetz [legislation governing the administrative court] dated 17 June 2005, in force since 1 January 2007 (SR 173.32)

Institutes with regard to:

- a. terms of employment under public law;
- b. admission to courses;
- c. results of examinations and doctorates.

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. 37a⁵¹ 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 admissible.

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.

Art. 38 Protection of the title “ETH”

¹ The following shall be punishable by imprisonment or fine:⁵²

- a. any person claiming to be a lecturer of an ETH if not appointed as such;
- b. any person using an ETH title that has not been conferred;
- c. any person using a title giving the impression that it was conferred by an ETH.

² The prosecuting authority shall be the Canton.

Chapter 8⁵³: Final provisions

Part 1: Supervision and Implementation provisions⁵⁴

Art. 39⁵⁵

¹ The Swiss Federal Council shall exercise the ultimate supervision of the ETHs and the Research Institutes.

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

³ The Swiss Federal Council may conclude international treaties within the scope of this Law and approved credits.

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

⁵¹ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 AS **2003** 4265 4277; BB1 **2002** 3465).

⁵² As of 1 Jan. 2007, possible sanctions and limitation periods shall be interpreted and/or calculated in accordance with Article 333, 2-6 of the Swiss Criminal Code (SR **311.0**) in the version of the Federal Law dated 13 December 2002 (AS **2006** 3459).

⁵³ Originally chapter 6

⁵⁴ Inserted by clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁵⁵ Repealed by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 AS **2003** 4265 4277; BB1 **2002** 3465).

Part 2: Changes to existing law⁵⁶**Art. 40** Repeal and changes to existing legislation⁵⁷¹ The following are repealed:

1. The Federal Law on the establishment of a Federal Polytechnic⁵⁸ dated 7 February 1854 (Bundesgesetz betreffend die Einrichtung einer eidgenössischen polytechnischen Schule).
2. The Federal Law on responsibility for determining payments by the Confederation to former professors of the Swiss Federal Institutes of Technology and their survivors dated 11 December 1964⁵⁹ (Bundesgesetz über die Zuständigkeit zur Festsetzung der Leistungen des Bundes an ehemalige Professoren der Eidgenössischen Technischen Hochschulen und an ihre Hinterbliebenen).
3. Federal rulings dated 24 June 1970⁶⁰, 20 June 1975⁶¹, 21 March 1980⁶² and 26 June 1985⁶³ on the Swiss Federal Institutes of Technology (transitional provisions).

² The following are amended as follows:⁶⁴*1. Law on financial budgets (Finanzhaushaltsgesetz) dated 6 October 1989*⁶⁵*Art. 1 Clause 3**Repealed**Art. 35 Clause 2 Sentence 1*

...

*2. Law on research (Forschungsgesetz) dated 7 October 1983*⁶⁶*Art. 16 Clause 1**3. Federal Law on administrative procedures (Bundesgesetz über das Verwaltungsverfahren) dated 20 December 1968*⁶⁷*Art. 71d Letter i***Part 3:**⁶⁸**Transitional rules 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 Swiss Federal Council.

⁵⁶ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

⁵⁷ Version according to Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

⁵⁸ [BS 4 103; AS 1959 535, 1970 1089 art. 17; 1979 114 art. 70]

⁵⁹ [AS 1965 417]

⁶⁰ [AS 1970 1089, 1975 1759, 1980 886, 1991 2276]

⁶¹ [AS 1975 1759]

⁶² [AS 1980 886]

⁶³ [AS 1985 1452]

⁶⁴ Clause 2 inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

⁶⁵ [AS 1990 985, 1995 836 Clause II, 1996 3042, 1997 2022 Annex Clause 2 2465 Annex Clause. 11, 1998 1202 Art. 7 Clause 3, 2847 Annex Clause 5, 1999 3131, 2000 273 Annex Clause 7, 2001 707 Art. 31 Clause 2, 2002 2471, 2003 535, 3543 Annex Clause II 7 4265 5191, 2004 1633 Clause I 6 1985 Annex Clause II 3 2143. AS 2006 1275 Art. 64]

⁶⁶ SR 420.1. The provision set out below is inserted in the mentioned decree.

⁶⁷ SR 172.021. The provision set out below is inserted in the mentioned decree.

⁶⁸ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS 2003 4265 4277; BB1 2002 3465).

Art. 40b Transfer to the pension fund of the Confederation

¹ Full and associate professors appointed prior to 1 January 1995, including those already in retirement and their survivors shall be covered by the pension fund of the Confederation from the effective date of this Law.

² Current pension payments and pensions paid to survivors are unchanged. Future pensions payable to survivors and adjustments for inflation shall be based on the provisions of the pension fund of the Confederation.

³ The Confederation shall be responsible for the mathematical reserves required to transfer the insured to the pension fund of the Confederation.

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

Art. 40c Transfer of movable property

The Swiss Federal Council shall issue an ordinance indicating the date ownership of movable property is transferred to the ETHs and the Research Institutes.

Art. 40d Transitional provisions on legal protection

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

² Until these rules of procedure take effect, the ETH Board shall remain responsible for the appeal process specified in Article 37 Clause 1.

³ As soon as these rules of procedure are effective appeals pending before the ETH Board shall be transferred to the jurisdiction of the ETH Appeals Commission.

Part 3a:⁶⁹**Transitional rules relating to the amendment of 5 October 2007****Art. 40e**

Article 17a shall apply to all external teaching assignments issued from the 5 October 2007⁷⁰, the date on which the amendment to this law takes effect. All external teaching assignments issued before the 5 October 2007 must be adjusted by the start of the following semester.

Part 4: Referendum and effective date⁷¹**Art. 41 ...**⁷²

¹ This Law is subject to an optional referendum.

² The Swiss Federal Council shall determine the effective date of this Law.

Effective date: 1 February 1993⁷³

⁶⁹ Inserted by Clause I of the Federal law dated 5 October 2007, in force since 1 August 2008

(AS **2008** 431 432; BB1 **2007** 1223)

⁷⁰ AS **2008** 431

⁷¹ Inserted by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁷² Repealed by Clause I of the Federal Law dated 21 March 2003, in force since 1 January 2004 (AS **2003** 4265 4277; BB1 **2002** 3465).

⁷³ BRB dated January 13, 1993 (AS **1993** 221).