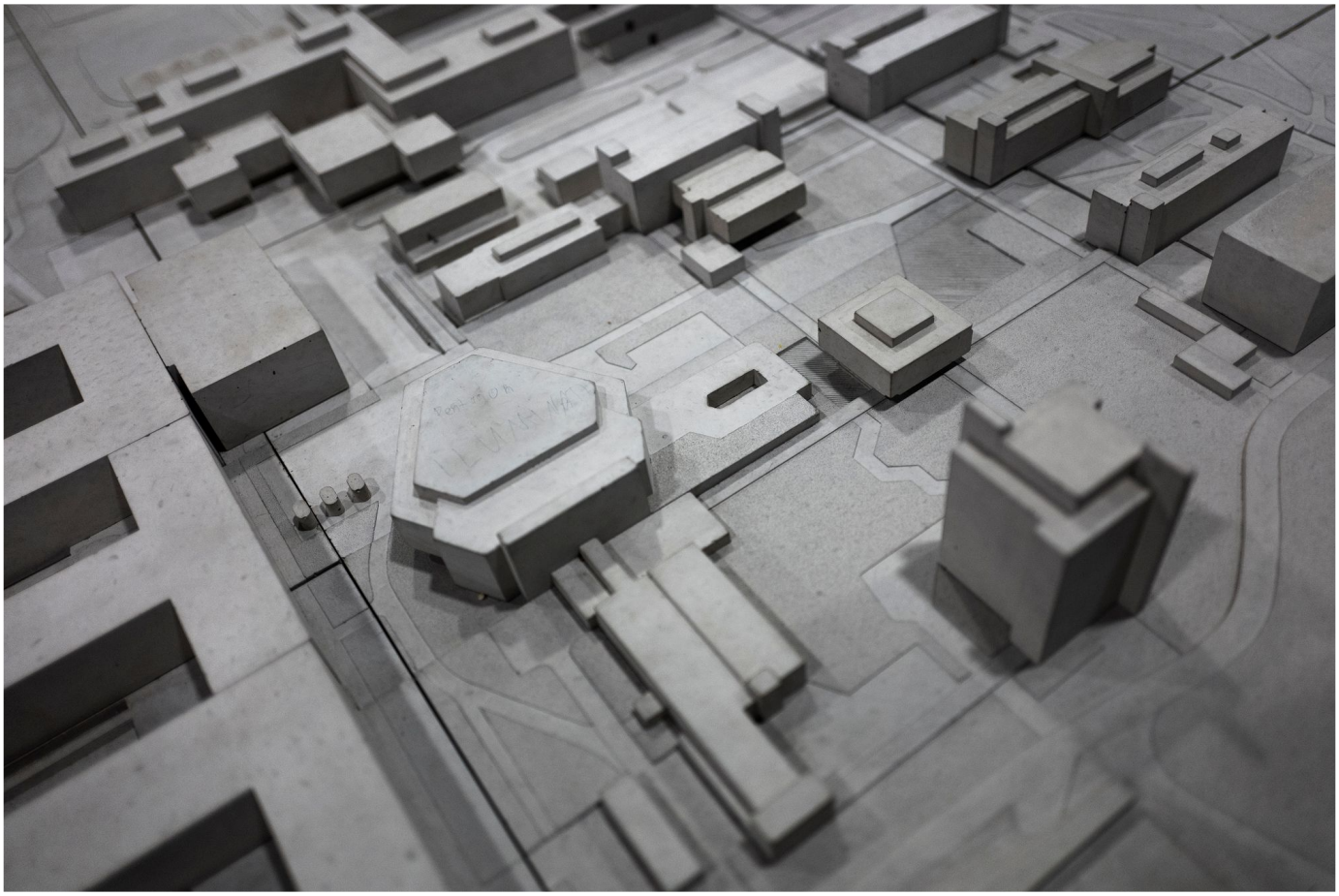


Model of the ETH campus: A tangle of institutions and interests.

Rigged Game

The wheels set in motion to dismiss astronomy professor Marcella Carollo can no longer be stopped – even though the question of guilt still remains unclear. A star lawyer investigates, but the results only raise more questions. But that doesn't stop the new ETH president, Joël Mesot, from pushing ahead with dismissal. The ETH case, part 3.

By Silvan Aeschlimann, Dennis Bühler, Dominik Osswald (Text), Dominic Nahr (Photos) and Paul Cohen (Translation), 29.03.2019

The ETH has demanded a counterstatement («Gegendarstellung»). It is situated at the bottom of this article.

The Story So Far

Serious allegations have been raised against Professor Marcella Carollo. She stands accused of poorly supervising her doctoral students, putting them under intense pressure and harassing them. ETH Zürich took action, but without first verifying the allegations. An internal power struggle made the situation worse. When word of the case was leaked to the public in Octo-

ber 2017, the stage was set for a perfect storm of a harassment scandal. The ETH executive board subsequently ordered an administrative investigation.

Act Five: A Made-to-Order Verdict

Markus Rüssli, a partner at the distinguished Zürich law firm Umbricht Attorneys since 2004, was hired to finally clear up the matter. As an independent lawyer, he was commissioned on November 30, 2017, to conduct an administrative investigation.

According to Article 27a Section 2 of the government and administration code of conduct, administrative investigations cannot be directed against specific individuals. Accordingly, the ETH school administration gave Rüssli a mandate to investigate the allegations that had been hanging over Marcella Carollo's head for almost half a year, but he was specifically instructed to assess «the overall circumstances that could have enabled or encouraged any possible misconduct».

The fact of the matter, however, is that Rüssli surreptitiously conducted a disciplinary investigation of the Carollo affair. This approach allowed ETH to sidestep formal legal action, which is a required step when dealing with allegations against individuals.

Rüssli did not examine whether Ombudsman Wilfred van Gunsteren had correctly handled the case, or whether former and current doctoral students had made any agreements prior to leveling serious allegations against Professor Carollo in early 2017. Furthermore, the lawyer did not examine the roles that department deputy head Rainer Wallny and Vice Rector Antonio Togni played in the scandal – and he left unanswered the question of whether the professor had ever benefited from the principle of innocent until proven guilty, or if she had ever been given an opportunity to explain herself.

Rüssli did not discover that ETH had flouted its own rules and had never even endeavored to pursue a process of mediation. And he never found out that the ombudsman had acted alone, quarreled with the school administration and used Carollo's case to exert pressure on the university president.

Rüssli only found what he was supposed to find.

In his 93-page report, the external investigator repeated the same allegations that have been made by current and former doctoral students and compiled by Ombudsman van Gunsteren – and concluded that Professor Carollo had to be dismissed.

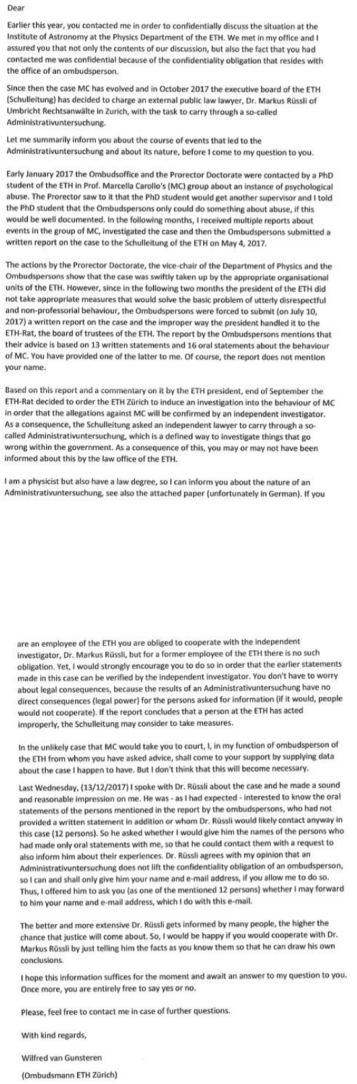
But we're getting ahead of ourselves – it's time to examine how the events unfolded.

«That Justice Will Prevail»
On December 13, 2017, investigator Rüssli asked Ombudsman Wilfred van Gunsteren what steps he had taken in the case. The ombudsman had 12 extremely negative testimonials and had collected a number of verbal allegations against Carollo. Rüssli wanted to question the same people.

Ombudsman van Gunsteren wrote a letter in which he encouraged all known individuals who had lodged complaints or criticized Carollo to meet with Rüssli and answer his questions: «The better and more extensive Dr.-

Rüssli gets informed by many people, the higher the chance that justice will come about. So, I would be happy if you would cooperate with Dr. Markus Rüssli by just telling him the facts as you know them so that he can draw his own conclusions.»

In the same letter, he wrote: «In the unlikely case that MC (Marcella Carollo) would take you to court, I, in my function of ombudsperson of the ETH from whom you have asked advice, shall come to your support by supplying data about the case I happen to have. But I don't think that this will become necessary.»



Dear

Earlier this year, you contacted me in order to confidentially discuss the situation at the Institute of Astronomy at the Physics Department of the ETH. We met in my office and I assured you that not only the contents of our discussion, but also the fact that you had contacted me was confidential because of the confidentiality obligation that resides with the office of an ombudsperson.

Since then the case MC has evolved and in October 2017 the executive board of the ETH (Schulleitung) has decided to charge an external public law lawyer, Dr. Markus Rüssli of Umbricht Rechtsanwälte in Zurich, with the task to carry through a so-called Administrativuntersuchung.

Let me summarily inform you about the course of events that led to the Administrativuntersuchung and about its nature, before I come to my question to you.

Early January 2017 the Ombudsoffice and the Prorector Doctorate were contacted by a PhD student of the ETH in Prof. Marcella Carollo's (MC) group about an instance of psychological abuse. The Prorector saw to it that the PhD student would get another supervisor and I told the PhD student that the Ombudspersons only could do something about abuse, if this would be well documented. In the following months, I received multiple reports about events in the group of MC, investigated the case and then the Ombudspersons submitted a written report on the case to the Schulleitung of the ETH on May 4, 2017.

The actions by the Prorector Doctorate, the vice-chair of the Department of Physics and the Ombudspersons show that the case was swiftly taken up by the appropriate organisational units of the ETH. However, since in the following two months the president of the ETH did not take appropriate measures that would solve the basic problem of utterly disrespectful and non-professorial behaviour, the Ombudspersons were forced to submit (on July 10, 2017) a written report on the case and the improper way the president handled it to the ETH-Rat, the board of trustees of the ETH. The report by the Ombudspersons mentions that their advice is based on 13 written statements and 16 oral statements about the behaviour of MC. You have provided one of the latter to me. Of course, the report does not mention your name.

Based on this report and a commentary on it by the ETH president, end of September the ETH-Rat decided to order the ETH Zürich to induce an investigation into the behaviour of MC in order that the allegations against MC will be confirmed by an independent investigator. As a consequence, the Schulleitung asked an independent lawyer to carry through a so-called Administrativuntersuchung, which is a defined way to investigate things that go wrong within the government. As a consequence of this, you may or may not have been informed about this by the law office of the ETH.

I am a physicist but also have a law degree, so I can inform you about the nature of an Administrativuntersuchung, see also the attached paper (unfortunately in German). If you

are an employee of the ETH you are obliged to cooperate with the independent investigator, Dr. Markus Rüssli, but for a former employee of the ETH there is no such obligation. Yet, I would strongly encourage you to do so in order that the earlier statements made in this case can be verified by the independent investigator. You don't have to worry about legal consequences, because the results of an Administrativuntersuchung have no direct consequences (legal power) for the persons asked for information (if it would, people would not cooperate). If the report concludes that a person at the ETH has acted improperly, the Schulleitung may consider to take measures.

In the unlikely case that MC would take you to court, I, in my function of ombudsperson of the ETH from whom you have asked advice, shall come to your support by supplying data about the case I happen to have. But I don't think that this will become necessary.

Last Wednesday, (13/12/2017) I spoke with Dr. Rüssli about the case and he made a sound and reasonable impression on me. He was - as I had expected - interested to know the oral statements of the persons mentioned in the report by the ombudspersons, who had not provided a written statement in addition or whom Dr. Rüssli would likely contact anyway in this case (12 persons). So he asked whether I would give him the names of the persons who had made only oral statements with me, so that he could contact them with a request to also inform him about their experiences. Dr. Rüssli agrees with my opinion that an Administrativuntersuchung does not lift the confidentiality obligation of an ombudsperson, so I can and shall only give him your name and e-mail address, if you allow me to do so. Thus, I offered him to ask you (as one of the mentioned 12 persons) whether I may forward to him your name and e-mail address, which I do with this e-mail.

The better and more extensive Dr. Rüssli gets informed by many people, the higher the chance that justice will come about. So, I would be happy if you would cooperate with Dr. Markus Rüssli by just telling him the facts as you know them so that he can draw his own conclusions.

I hope this information suffices for the moment and await an answer to my question to you. Once more, you are entirely free to say yes or no.

Please, feel free to contact me in case of further questions.

With kind regards,

Wilfred van Gunsteren

(Ombudsmann ETH Zürich)

Letter as PDF

The fifth act was underway.

Rüssli questioned a total of 20 current and former doctoral students and postdocs. Most of his questions could be answered with a simple yes or no. It seemed as if the lawyer only wanted to receive answers that he could use to prove Carollo's guilt.

– «MC could not give you the support you needed?»

– «Did she have the impression that you worked too little?»
– «Could you take your holidays whenever you wanted to?»
– «Did you have meetings on friday afternoons?»
– «Did MC ever compare you with a housekeeper?»

Since the testimonials had been classified as confidential one year earlier, Professor Carollo never had an opportunity to see them. Hence, Rüssli was not allowed to refer to them during his investigation. But according to several mutually independent sources, Rüssli had the testimonials in front of him during the interviews. He used this to confirm the accounts by the doctoral students and postdocs – and confronted Carollo with these statements when he questioned her. This allowed him to avoid showing the testimonials to Carollo, but it also meant that the professor remained in a position in which should could still only guess who had leveled which allegations against her.

On May 4, 2018, Rüssli questioned Professor Carollo in the presence of her lawyer. The questions that the investigator asked were for the most part suggestive, but of a general nature.

Rüssli: «Did you demand or at least expect your doctoral students and your postdocs to be available at all times, both at weekends and in the evening or that work be done over the weekend?»

Carollo: «Categorically not as a rule. Categorically not, and I have ample e-mail correspondence. Rarely and occasionally – I mean just rarely it could happen. I do not know how it is for other jobs but for astronomy there are deadlines where one needs to do some work and these were agreed situations and as I said were the absolute exception rather than the rule, and if it happened – as I said – first of all it was an exception, second it was most of the time agreed and otherwise it was very much apologetically asked if it was a true necessity.»

Another example:

Rüssli: «Several of those questioned have stated that you harshly criticized your scientific and administrative staff, partially inappropriately. For example, X1 (the doctoral student who required six-and-a-half years to complete his doctorate, see Act 1; anonymized by Republik) said that you had questioned his commitment and told him he wasn't good enough. What do you say to that?»

Carollo: «I categorically deny having ever addressed anyone in derogative terms. I do not know what the expression would be. But of course, if I am sitting with a PhD student that is having difficulties I would, as I said, say: ‹you know, you should be doing this, I wonder whether you wouldn't want to work a little bit more on that›. So, it was, obviously, I would have thought it was part of the job of the supervisor to make sure if the student brings insufficient or inadequate material one does not say ‹alles gut›, but one discusses the problem, the issues one was dealing with. I never used the expression – as far as I know with anybody in my life – ‹you are not good enough›.»

Then the investigator addressed another allegation against Carollo, namely that a number of interviewees had told him that the professor treated female doctoral students systematically worse than their male counterparts.

This matches with accounts in the testimonials acquired by Republik, in which a doctoral student claimed that Carollo accused her of having an inti-

mate relationship with a colleague, despite the fact that this seemed to have a negative impact on the quality of her work: «In particular, I want to stress that Prof. Carollo, while being a defender of the rights of women in front of the public, is applying a clear discriminatory standard against her female students, this being clearly visible in her behaviour towards myself and the other female PhD student in her group.» This second doctoral student, Elisabetta Marignano wrote: «Indeed, in many other occasions she also said that I'm a woman and so I am psychologically weaker then men, and for this reason I need to follow her ‹recipe to become a leader› and ‹demonstrate to my male colleagues that women are better›.»

Here are the answers that Carollo went on record as giving during her interview. They have been shortened for the purposes of this article, but their meaning remains unchanged:

Rüssli: «Did you tell Marignano and X2 (the female doctoral student who also changed advisers) to waste less time on their make-up?»

Carollo: «I've read this in the newspapers, too. So, I was doing everything I knew to help Mrs. Marignano who was systematically having problems with her performance. In the context of the PhD project that I had assigned to her, like in any PhD project I must assume, one has to understand the context. You cannot do galaxy structure if you do not have expectation of what it should be, what it should not be, what it can be, what it means. You develop this by understanding the background, whether it is technical or physics, the scientific background. So, one fundamental aspect of this is to know the literature of the field in which you are trying to intervene. With students who were not self-propelled, that needed supervision to go through each aspect of their PhD upbringing, I would constantly remind that this was an integral part of becoming an independent scientist, of becoming an expert of that field. And so again, I, at some point somewhere in fall of 2016, reminded Mrs. Marignano the importance to do this. To which she responded, ‹oh, I work so hard›. She responded ‹this takes too much time›. And I responded ‹no, because this is not my advice, my advice is, you take one hour per day by the clock. You arrive in your office, you sit down, you start the clock at one hour and you do this task, and at the end of the one hour you are done›. And then first she said ‹and what, if I do not understand what I read in one hour?› I responded ‹well, the first day you will understand very little, the second day still very little. After six months you will understand much more and after one year you will be on top of it. That is how to go about. If you do not do it, you will never be able to do it›. And then she actually said ‹well the truth is, that I do not find this one hour per day because I am already working so much›. And maybe this is now judged as mistake, but again, I responded wholeheartedly with the desire to help my fellow more junior woman in career. And I said the following words: ‹Please listen, I know how you feel under pressure and I know that, e.g. you feel that it is important to come to the office nicely made up, but let me tell you something that I have learned on the way. It is much better, if you run out of one hour in your day, that you sacrifice the hour for the make-up rather than the hour for the astro-ph.› If this is a mistake – I leave it to you. But it was certainly meant absolutely to help a person in difficulty with her scientific work.»

Rüssli: «Did you demand more of your female scientific staff?»

Carollo: «No. I seriously made an effort to hire female students. And I think this can be seen from the numbers. But then of course I take seriously the fact that people would be getting a PhD in physics from a top-10 university. And so, the performance had to be within a certain range. It is not that

everybody had to do outstandingly. Of course, at a top-ten university the performances had to be above a certain level, they had to be at a certain level. And that level was gender-independent. In terms of performance, I required what I honestly thought the University was paying me for: to do my job conscientiously, to evaluate. And so, I had to – I was expecting a certain minimum performance, and this I had to make gender-independent.»

Rüssli: «Have you said that women have to work twice as hard and twice as well as men in order to progress and that is why they had to be tougher and work harder?»

Carollo: «Yes, I did say that, and I said this also for me. I did say that, as a woman in career. Well, you see where I am, discussing here with you, despite everything I did, I ended up in the newspaper being told that I got a job because of my husband, and so on. I have been saying this sentence my entire life, not only to the PhD students. I can tell you now. I told my friends at dinner. It is something that I think is the reality in the world, despite the appearance of equality. I have been in endless committees where I see the discrimination being done. If at some point a woman was good enough, well, there was a doubt whether it was her idea or somebody else's idea. Yes, we women, we still have to absolutely work steadily and more to have acknowledged and recognised what we do. Otherwise, the prejudice is immense. The prejudices are there, and I have seen them all my life.»

Mission Accomplished

Two weeks after her interview, Professor Carollo received detailed documents on her case for the first time – more than a year after allegations against her had begun to trickle down to the academic. The secret testimonials were not in these files.

Shortly thereafter, Rüssli sent the first version of his report to the ETH school administration with the recommendation to immediately initiate dismissal procedures. In Carollo's case, he advised that the university waive the compulsory reprimand procedures stipulated by the regulations because, in his opinion, no improvement in the professor's behavior could be expected.

After the ETH administration had read the first version of the report, school officials informed Carollo that it would be better if she resigned. At this point, she had already been relieved of her duties for the past four months – officially put on sabbatical in order to focus on her defense in the administrative investigation and the investigation into alleged scientific misconduct.

The professor rejected the administration»s suggestion out of hand.

Three months later, Carollo's lawyer sent a 90-page statement to investigator Rüssli with responses to each of the allegations. Furthermore, he criticized that Rüssli had deliberately only questioned people who, it was safe to assume, would say damaging things about Carollo.

But Rüssli ignored the objections and closed the investigation. The external lawyer could be just as satisfied with this result as his client, the venerable ETH. He had accomplished his mission.

Meanwhile, ETH professor emeritus Bernhard Plattner – widely known as the «father of the Swiss internet» and a pioneer in the area of computer networks – had been given the job of verifying whether Professor Carollo was guilty of scientific misconduct.

He searched for clues in the testimonials of former doctoral students and found a key allegation. In 2004, Carollo allegedly manipulated an image as part of an application for observation time with the Hubble Space Telescope (HST). Plattner wrote that, although this was difficult to verify, «the wealth of details in this statement indicate that the event actually took place as described.»

Plattner did not question Carollo before he wrote his report. If he had, she could have told him that the original data is still available today and the allegation could be refuted by repeating a number of calculations. Based on Plattner's interim report, in January 2018 ETH officials launched an official investigation into scientific misconduct. The university immediately released a press release and the public could immediately assume the worst, namely that a professor was guilty of manipulating results.

One year later, a specially appointed investigative committee would conclude that Carollo had done nothing wrong and that her explanation was consistent with the facts. In January 2019, the committee said that there was no image manipulation that could be called a misrepresentation – and thus no evidence of scientific misconduct.

Involuntary Departure
In spring 2018, an event took place that was to have far-reaching consequences. Top-ranking ETH officials were surprised and dismayed when President Lino Guzzella decided to forgo a second term in office.

Officially, the word was that toward the end of his academic career Guzzella wanted to devote himself again to his research. But there was widespread speculation in the media that his departure from the position at the end of the year was not voluntary and was connected to the harassment scandal at the Institute for Astronomy.

Six years earlier, when Guzzella had stood for election as rector, he was supported by 373 out of 400 ETH professors and edged out seven other candidates from Switzerland and abroad at the hearing before the ETH executive board. The Swiss Federal Council, which constitutes the country's federal government, accepted the single candidate without question.

In his first interviews after his election, Guzzella soon found himself at loggerheads with primary and secondary school teachers across the country when he lambasted the educational system for placing too little focus on achievement and criticized that it was too easy these days to acquire university entrance qualifications. He said it wasn't a matter of what the students brought with them in terms of academic qualifications, adding that «what's important is that they are capable of independently organizing themselves and motivated to tackle difficult material. At ETH we need people who can really apply themselves». His words were music to the ears of the professors.

In fall 2013, when the university started looking for a new president, the ETH executive board advertised the position internationally, but again it was Guzzella who prevailed against dozens of rival candidates. At the press conference to mark his appointment, Fritz Schiesser, the president of the ETH executive board, raved about Guzzella's «inner flame». The Neue Zürcher Zeitung newspaper saw him as the «King of Zürich», and the daily Tages-Anzeiger wrote in its annual review: «Dedicated, engaging and competent: That's how Lino Guzzella comes across at public appearances.»

But after taking office in January2015, people around him came to experience another side of Guzzella: a hot-tempered president who didn't know how to delegate authority and raised his voice if things didn't go his way.

Over time, an increasing number of professors turned their back on him. Guzzella declined a request by Republik to comment on his leadership style.

For some people, the Carollo case came at just the right moment. Wilfred van Gunsteren, for example, saw it as an opportunity. Right from the start, the ombudsman had contended that Guzzella wanted to sweep complaints against Carollo «under the carpet». Van Gunsteren persisted with this allegation even after Guzzella dissolved the entire Institute for Astronomy in May 2017. In fact, the ombudsman wrote to the ETH executive board on July 10, 2017, that the president's initiatives were a «slap in the face for the victims and their surroundings». Rainer Wallny, who had just been promoted as the head of the physics department, supported him.

The lobbying of the influential departments of physics and chemistry reduced Guzzella's chances of a second term, and it certainly didn't help that his rival, professor emeritus van Gunsteren, had excellent ties to the chemistry department.

The ETH president was also under pressure from members of the executive board for his botched handling of the harassment scandal. In fall 2017, the ETH executive board stabbed him in the back when, despite Guzzella's objections, it commissioned an administrative investigation. Half a year later, Schiesser, the president of the executive board, openly stated that he no longer had confidence in the beleaguered president. To allow Guzzella to save face, there was open talk of a voluntary resignation – and he was allowed to remain in office until the end of the year instead of being pressured into stepping down immediately.

Guzzella used this opportunity to attack his main adversaries and drag them down with him. He informed van Gunsteren in writing that, at the age of 70, he was too old to serve as an ombudsman – and 72-year-old Ombudswoman Maryvonne Landolt was not reappointed by the school administration either. Van Gunsteren reacted with indignation and the NZZ am Sonntag and the Tages-Anzeiger quoted him as saying that this was a «tit-for-tat» response by the grudge-bearing outgoing president and an «undermining of the office of the ombudsperson». But van Gunsteren was still out of a job, despite his complaints.

Guzzella's ousting as ETH president and van Gunsteren's removal as ombudsman mark the preliminary culmination of a power struggle that was rife with intrigue at the most renowned university in the country – a power struggle with more losers than winners.

One of the losers was Carollo. On October 31, 2018, two months before he stepped down as president, Guzzella announced the first dismissal procedure in the 164-year history of ETH.

Act Six: The New President's Decision

To ensure the independence of their research, professors at ETH are hired for an indefinite period – a fundamental policy that the university says is necessary to attract the world's leading researchers to Zürich. The process of firing a professor is complicated and was never actually meant to be invoked; it's merely a worst-case-scenario article in the university code.

Until now, ETH has always managed to find amicable solutions to part ways with professors that it no longer wanted to employ. This saved the university the embarrassment of conducting the onerous process of dismissal in

full view of the public – and it allowed the ousted professor to leave the institution without losing face.

Not so with Carollo: The professor refused to resign – and the media was pressuring the university to take a tough stance on the harassment scandal. Many people felt that ETH should stand up for its doctoral students and send a clear message to professors who think they can act with impunity.

But before a professor can be dismissed, they have to receive a written warning. If this warning goes unheeded and the professor continues undeterred with their misconduct, a dismissal committee consisting of three external and three ETH professors can be appointed to assess the appropriateness of a firing and make a recommendation to the school administration. ETH's president can then submit a dismissal request to the ETH executive board. This body then has to approve the dismissal, giving due consideration to the committee's recommendation.

On October 31, 2018, the university issued a press release announcing that it was initiating dismissal proceedings – based on Rüssli's final report. The lawyer had written that Carollo could be fired without prior warning because she had shown no understanding when the ombudsman and the school administration had confronted her with the allegations of the doctoral students and postdocs.

That same day, Carollo issued her own press release, in which she briefly gave her version of the story for the first time. She said that she was «the victim of a vindictive doctoral student, but also of the power struggle between Ombudsperson van Gunsteren and Guzzella, and the conflict between the physics department and Guzzella». Few journalists took note of the communiqué.

In late November 2018, Carollo's lawyer filed a request to view the relevant files and demanded that his client finally have access to the secret testimonials that form the basis of the entire case.

ETH President Guzzella reacted with his final official act in the Carollo case. He offered to destroy the letters of complaint that had been written nearly two years earlier – including all copies that the university had in its possession. Guzzella wrote that the documents had been rendered «obsolete» by the administrative investigation.

Why did Guzzella want to destroy the testimonials?

Was this an attempt to prevent the case against Carollo from ever being properly investigated? These questions from Republik also remain unanswered.

On January 23, 2019, Professor Carollo was summoned before the six-member dismissal committee at the Hotel Schweizerhof in Zürich.

«Please elaborate on Ph.D. program», one of the committee members said. «Did the students discuss their programs together and had there been any working groups?» another one asked. «Did the discussions concern the PhD-topics?»

The committee also sent a list of written supplementary questions to investigator Rüssli, who declined to make a personal appearance. These questions were much more critical than those directed at Carollo. The committee wanted to know the following:

–

Why was Professor van Gunsteren never questioned even though he had evidently received a great deal of information?

- Why were very few of the former Ph.D. students and postdocs who were successful questioned, but nearly all of those who were not successful interviewed?
- Why was no attempt made to demand precise statements from Professor Schawinski?

Only the committee knows whether Rüssli ever answered these questions or what he had to say. A list of questions that Republik sent to Rüssli has remained unanswered.

«A Very Difficult Decision»

In October 2018, the Swiss Federal Council appointed Joël Mesot to succeed Guzzella as the new ETH president. Already when the announcement was made, it was clear how much pressure was on the 54-year-old from Geneva. «ETH Zürich ranks among the 10 best universities on the planet», said then Education Minister Johann Schneider-Ammann, «and it has to stay that way». (The fact that the university slipped back to 11th place shortly thereafter could not yet be blamed on Mesot.)

When speaking to the media, ETH executive board President Fritz Schiesser praised Mesot as a «good, reserved communicator». In fact, the new head of ETH initially went on the defensive. Two weeks after taking office, he gave an interview to the NZZ am Sonntag newspaper in mid-January 2019. When asked about the Carollo case and the dismissal of Ombudsman van Gunsteren, he said: «... now I have a problem: You're constantly talking about internal things that I had nothing to do with», adding: «I know too little about the case.»

When speaking of conflicts at the university, Mesot only ventured to make general remarks: «First, I have to protect both the doctoral students and professors when such conflicts arise – and then find a good solution for everyone involved.»

Then Mesot disappeared from the public eye, saying that he wanted to give himself 100 days to learn the ropes of his new position.

But then, the week before last, the university suddenly called a press conference at short notice to convey some important news.

The sixth act had begun.

On March 14, his 73rd day in office, Mesot and ETH Rector Sarah Springman spoke to the press. «To be frank, I had imagined my first media appearance very differently», said the ETH president. «As a physicist, it is in my nature to begin by thoroughly analyzing and understanding the facts before trying to speak about them. Making hasty assumptions is not my style.»

«A sad day for ETH»: President Joël Mesot (center) is flanked by Rector Sarah Springman (left) and his head of communications at the March 14 press conference.

He said that he had two reasons for breaking the traditional 100-day limit. First, he said that he wanted to announce a decision in the astronomy case, and second, he wanted to reveal what ETH was doing to avoid, both in the short- and long-term, misconduct by professors in their supervision of doctoral students.

What Mesot neglected to say, though, was that the university had called the press conference in such a hurry because it had gotten wind of the Republik investigation into the Carollo case. When the university public relations office saw the detailed list of questions that Republik had presented to a number of its top officials, it decided to take the bull by the horns.

«First of all, ... I would like to express my deep regret to all members of the ETH community who have been treated disrespectfully», ETH President Mesot said, adding «especially those affected by their supervisor's unprofessional behavior. This may have ruined their enjoyment of science and in some cases caused them to feel that they must choose a different career path. Inappropriate behavior by any supervisor is totally unacceptable.»

He went on to say that ETH was doing everything in its power to prevent such escalation of conflicts in the future. Mesot noted that the school administration had taken a number of measures, for example, to reduce the dependent relationship between professors and doctoral candidates. By 2020, these students would be advised by at least two individuals. Furthermore, he announced that the office of the ombudsman would be expanded from two to three staff members.

The ETH president also spoke at length about the Carollo case. Although the dismissal committee had concluded that dismissing the professor was «not justified from a legal perspective», as Mesot put it, the school administration had nevertheless decided to submit a request to the ETH executive board for Carollo's dismissal.

«This was a very difficult decision», Mesot added, «ETH – we, in other words – have made mistakes as well.» For instance, the dismissal committee had rightly pointed out that the professor had been warned too late and that «made it impossible for her to improve her behavior».

On the other hand, he continued, throughout the entire process the professor had remained completely intransigent and to this day still maintained that she was unaware of any misconduct. «If there is no hope for improvement, I believe there is no longer any basis for trustworthy cooperation in the future.»

For the first time in its 164-year history, ETH was terminating a professor. Was this a historic day? Mesot sidestepped the question from Republik and merely replied: «Today is a sad day for ETH.»

The next day, Mesot was celebrated by the media as the man who had heralded the dawn of a new era. «Harassment Scandal Forces ETH to a Historic Turning Point», was the headline of the Tages-Anzeiger, and the St. Galler Tagblatt wrote: «ETH Ends the Era of Ivory Tower Kings».

Just a Mistake?
Carollo still had one sliver of hope: It was up to the ETH executive board to make the final decision on her dismissal.

This supervisory body is expected to hold an extraordinary session in the coming month. Executive board President Schiesser will step down in late April and the Swiss Federal Council still hasn't designated a successor. Time is of the essence.

Admittedly, the ETH executive board virtually has its hands tied and is almost bound to approve the request by the school's administration. It would be almost unthinkable for the board to stab the new university president in the back and reject the dismissal now that Mesot has publicly announced it and received such praise from the media.

Last Friday, ETH executive board President Schiesser gave an interview to the Tages-Anzeiger in which he said: «We have never had a situation escalate to this extent at ETH before.» He said it saddened him that there were such cases of harassment at his university. «Now that these cases have come to light», he noted, «we can take action.»

«Action» in Carollo's case meant that a professor would be dismissed, even if it «was not justified» from a legal perspective to fire her, as the dismissal committee had established after a thorough analysis of the documents and interviews.

In response to the question of whether they were making an example of Carollo, ETH executive board President Schiesser said: «No, the case will – like any other – be judged entirely according to the law», adding, as a precautionary note, that it was «possible that the case would go all the way to the Supreme Court». This comment shows that Schiesser sees the ETH executive board decision as a foregone conclusion. After all, the case could only be appealed all the way to the Supreme Court if the university supervisory body confirms the dismissal and the professor legally challenges the decision.

Like all other high-ranking university officials, Schiesser rejects the notion that he made a mistake in the Carollo case. «I don't see what the ETH executive board could have done differently», he told to the Tages-Anzeiger, adding: «We made the decision on the ETH executive board that the Insti-

tute for Astronomy case had to be reviewed, including the (allegation of) scientific misconduct.»

What Schiesser forgot to add is that, in January, Carollo was completely exonerated of the allegation of scientific misconduct.

It could be an oversight on his part – or just the latest chapter in the chronicle of a character assassination.

What Ultimately Happened To the Key Players in the Story?

- **Marcella Carollo, former professor of astronomy**, will in all likelihood become the first professor in ETH's history to be terminated, even though the dismissal committee has advised against it.
- **Elisabetta Marignano, doctoral student**, is continuing to pursue her doctorate with a new adviser. In July 2018, she was able to publish her paper that she had begun to work on three years earlier under Carollo – the same project that her then adviser felt was making too little progress in fall 2016.
- **Wilfred van Gunsteren, former ombudsman**, has been retired since March 2018 because then ETH President Lino Guzzella had refused to grant him another term in office.
- **Antonio Togni, vice rector**, is still in his position. In an interview with Republik in summer 2018, he expressed concern that since taking office two years earlier he had listened to doctoral students complain about their professors «for more than 100 hours».
- **Rainer Wallny, former deputy head of the physics department**, now heads it after taking over this position from Carollo's husband, Simon Lilly, in August 2017.
- **Kevin Schawinski, former assistant professor of astronomy**, left ETH in fall 2018 and launched a startup that specializes in applications in the area of machine learning and artificial intelligence.
- **Simon Lilly, professor of astronomy and Carollo's husband**, still works as a professor of astronomy at ETH, even though in the wake of the Carollo case he is no longer affiliated with the department.
- **Lino Guzzella, former ETH president** (2015–2018), is now a full-time professor and has returned to pursuing his research on thermotronics.

Epilogue

This investigation began in summer 2018.

Republik wanted to know just how bad things were in the mutually dependent relationship between ETH doctoral students and their professors. With allegations of harassment at the Institute for Astronomy, sexual harassment at the department of architecture and abuse of power at the department of biosystems in Basel, within just a few months a wide range of allegations against ETH professors were making headlines.

«What's going on at ETH?», we asked Antonio Togni. The vice rector, who is also responsible for doctoral studies, responded: «If professors act in a morally reprehensible manner, their doctoral students are at their mercy.» He said that it was far too easy for powerful professors to shut down internal monitoring mechanisms. Vice Rector Togni said: «Misconduct must

have consequences.» That sounded plausible, clear and exemplary. We published the interview in late August.

We then began taking a closer look at the various cases. It eventually became apparent that the ETH administration reacted in different ways when allegations were leveled against different professors. Some enjoyed the favor of top-ranking administration officials and seemed virtually immune to criticism, while others didn't seem to stand a chance.

When the school administration announced in late October that it would launch a dismissal procedure against the astronomy professor, we decided to focus on her case.

Eventually, we had gathered more documents than the external lawyer, Markus Rüssli, who had investigated the Carollo case at the behest of the university over the previous months. We also managed to acquire copies of 10 of the 12 testimonials in which doctoral students and postdocs detailed their allegations against the professor.

Numerous interviews with those involved – including a number of former doctoral students who had worked under Carollo – completed our picture of the events that had transpired.

Is the professor guilty?

Is she the victim of a «vindictive doctoral candidate», as she claims?

Or does the truth lie somewhere in between these two extremes?

Nobody can be certain.

Not even us, despite several months of investigative reporting.

This is what we found out: Instead of mediating between the professor and the doctoral student and carefully examining the allegations made against the professor, ETH flouted a number of its own rules and procedures in its handling of the Carollo case. The university improvised, jump to conclusions and made an example of the professor under pressure from the media.

ETH faces a challenge: Its owner – the Swiss Federal Council – establishes strategic objectives every four years. According to the currently established goals, the university has to pursue research at the highest international level and maintain its attractiveness for exceptionally talented students and doctoral candidates as well as leading researchers and scientists from around the world. The bottom line here is that ETH must continue to rank among the world's top 10 universities.

Unanswered questions remain: How far can a professor push doctoral students to ensure that they meet those high standards? Are doctoral students that suffer physical and mental breakdowns the collateral damage in a system that strives for excellence? Is that the price of cutting-edge research?

«I thought it was my job to lead young people to the world of top-notch research», Carollo said during the first of our four meetings. «If ETH had said that I should have merely had a good time with my students, I wouldn't have sent any emails on Sundays or held any meetings in the evenings. My life would have been easier.»

Was it a mixture of motherly devotion and professional severity that cost Carollo her career? Or did she systematically harass her doctoral students?

We knew right from the start that we would not be able to clarify the question of guilt in the Carollo case. The documents that Republik has gathered allow for a painstaking reconstruction of the chronology of events, but they do not tell the whole story of what transpired on an interpersonal level.

But it's not up to journalists to resolve the question of guilt. That would have been the university's job.

Counterstatement by the ETH

– The Republik states: *«The wheels set in motion to dismiss astronomy professor Marcella Carollo can no longer be stopped – even though the question of guilt still remains unclear.»* This is not true.

The truth is: The independent external investigator has conducted a thorough investigation to clarify the allegations made against the professor. On that basis, ETH Zurich has initiated dismissal proceedings and has now submitted a formal request for dismissal to the ETH Board.

– The Republik states: *«ETH Zürich took action, but without first verifying the allegations.»* This is not true.

The truth is: The Vice Rector of Doctoral Studies, the Department Management, the Ombudsperson and the ETH Executive Board responded to the allegations by holding a number of discussions both with Professor Carollo and with those making the allegations. The independent external investigator then conducted an inquiry into the allegations made against Professor Carollo.

– The Republik states: *«Rüssli did not discover that ETH had flouted its own rules and had never even endeavored to pursue a process of mediation.»* This is not true.

The truth is: ETH has complied with its own rules. The Vice Rector of Doctoral Studies, the Department Management, the Ombudsperson and the ETH Executive Board responded to the allegations by holding a number of discussions both wit Professor Carollo and with those supplying information.

– The Republik states: *«Half a year later, Schiesser, the president of the executive board, openly stated that he no longer had confidence in the beleaguered president. Guzzella's ousting as ETH president and van Gunsteren's removal as ombudsman mark the preliminary culmination of a power struggle that was rife with intrigue at the most renowned university in the country [...].»* This is not true.

The truth is: Lino Guzzella decided of his own accord not to continue in office for a second term. There was no question of him being ousted.

– The Republik states: *«What Mesot neglected to say, though, was that the university had called the press conference in such a hurry because it had gotten wind of the Republik investigation into the Carollo case. When the university public relations office saw the detailed list of questions that Republik had presented to a number of its top officials, it decided to take the bull by the horns.»* This is not true.

The truth is: ETH called the press conference to communicate the Executive Board's decision to request the dismissal of a professor. In addition, the President and the Rector wanted to present the university's comprehensive package of measures to improve the leadership structure. The decision to

arrange a press conference was made before the Republik sent its list of questions.

– The Republik states: *«This is what we found out: Instead of mediating between the professor and the doctoral student and carefully examining the allegations made against the professor, ETH flouted a number of its own rules and procedures in its handling of the Carollo case. The university improvised, jump to conclusions and made an example of the professor under pressure from the media.»* This is not true.

The truth is: The Vice Rector of Doctoral Studies, the Department Management, the Ombudsperson and the ETH Executive Board responded to the allegations by holding a number of discussions both with Professor Carollo and with those making the allegations. The Ombudsperson and Vice Rector Togni reviewed the allegations in accordance with their areas of authority. The independent external investigator then conducted an inquiry into the allegations made against Professor Carollo.

ETH Zurich

Republik stands by its reporting.

About the Authors

Silvan Aeschlimann is an author and journalist who lives in Zürich and Barcelona. His novels «Glück ist teuer» (2017) and «Ungehört» (2013) deal with issues like the pressure to perform, economic growth and materialism.

Dominik Osswald studied geology, is an enthusiastic mountaineer and a freelance journalist. He reports for magazines and TV broadcasters on efforts to reform Switzerland's pension system and on the #MeToo debate, extreme mountaineering expeditions and climate change. He has worked for the Basler Zeitung, Tages-Anzeiger and the TV news programs «10 vor 10» and «Rundschau» for Swiss public broadcaster SRF.

Dennis Bühler is an editor at Republik.