



Speak Up in Academia
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OPEN LETTER

Prof. Dr. Michael Hengartner
President ETH Rat
Haldeliweg 15
8092 Zürich

Zürich, December 21, 2020

Dear Professor Dr. Hengartner

We are reaching out to you in good faith, as board members of Speak Up in Academia. Speak Up is an independent organisation that advocates for better processes to prevent, investigate and condone abuse of power within academic institutions. We advocate for fair and effective conflict-resolution structures at ETH Zürich and related institutions, by supporting students and employees who are victims of harassment, mobbing and discrimination to speak up. Our specific efforts are focused on demanding and supporting the implementation of adequate behavioural guidelines as well as fair administrative and disciplinary investigations. Our non-profit "grassroots" association was founded in March 2019, in the wake of two widely publicised cases, one of sexual harassment at the ETH Department of Architecture, and another case of mobbing and plagiarism at EMPA. Several of our founding members have been directly affected by these cases.

We recognise and appreciate the recent efforts to increase independent structures for support and mediation at ETH, including setting up an external office for consultation and appointing an external ombudsperson. Promising campaigns have been launched to guide the organisational culture towards mutual respect and away from discrimination. We are aware that changing an organisation's culture takes time. We welcome continued efforts in this area and look forward to signs of objective, measurable progress in the future.

Nevertheless, we are greatly concerned that unresolved, underlying problems persist. This is evidenced by the recently publicised outcry regarding the harassment of students and employees at EPFL as reported in "Le Temps" [1]. Equally disconcerting are continued reports of discrimination of female faculty at EPFL and ETH, detailed in recent open letters from Prof. Dr. Ursula Keller [2,3] and surveys of female professors within the ETH Domain [4,5].

We have experienced that conflict-resolution procedures in the ETH Domain do not always serve complainants well. Students and staff members who reach out to us are often unsure who they can really trust at ETH to help them with issues, concerns, and problems. Sometimes they have often exhausted all official channels and have still failed to arrive at a satisfactory solution. Parties responsible for conflict resolution, such as Ombudspople, Heads of Departments, Heads of Institutes, internal legal departments and others, often have numerous other responsibilities and limited experience or training in conflict management. This, combined with potential



conflicts of interest, limits their ability to fully carry out the additional and demanding duty of resolving conflicts. When conflicts escalate to internal administrative or disciplinary investigations, the grievance process is frequently long, arduous, legally demanding, financially draining and even traumatic for the complainants. Investigations often lack transparency and reports are censored upon their conclusion – or even worse, not even shared with the parties directly involved. Moreover, processes and decisions lack consistency and depend on how well the different parties are supported by the ETH's internal power structures and networks.

Some of us, unfortunately, had to experience this first hand. The processes and outcomes in the sexual harassment case at the Department of Architecture are indicative of several of these problems. To mention just one example, the report of the disciplinary investigation was only made accessible to the complainants after Swiss TV successfully took on the case. Needless to say: Bad publicity for ETH – and a failure to truly solve the underlying issues.

A persistent problem seen in this and other cases is the selection and compensation of the investigating firms by ETH. This raises the structural question of "how much will you bite the hand that feeds you?" and gives the appearance of lack of independence. In the case of sexual harassment at the Architecture Department at ETHZ, we were aghast and disappointed that the external investigator selected specialises in military and penal law, with little or no experience in the academic world, labour law or issues of discrimination and sexual harassment.

Recent developments show that discrimination and harassment within the ETH domain are not limited to students. A Commission on the Status of Women Faculty released a comprehensive report in July 2020 [4] on the situation of women faculty at EPFL. Among the issues highlighted in the report are undue stress due to grievance procedures against women professors, and a reported lack of respect and equal treatment for female faculty. This was based on the survey conducted by the ETH Women Professors Forum (2019) [5]. The EPFL study shows that this may be a first step to promote gender equality in the spirit of MIT, Caltech and Harvard.

The apparent systemic discrimination against women faculty and other cases of internal administrative investigations, using law firms chosen by ETH management entail the evident risk that more immediate short-term institutional interests prevail. Even when accusations against women faculty prove to be unfounded, this is often poorly communicated. The result is irreversible tainting their reputation. Direct and indirect pressure on them remain high. In fact, this may even cause them to leave the institution, as evidenced in the resignation letter by a Tenure-Track Assistant Professor at EPFL [6]. We acknowledge and appreciate the successful efforts of President Dr. Joel Mesot to greatly increase the ratio of female faculty appointments, since he became president of ETH. Yet, until women faculty find themselves in a supportive, non-discriminatory environment, this success might be short-lived.

The existing internal procedures continue to struggle to create a system of fairness and with absence of discrimination, certainly as perceived by a substantial part of the ETH community, as well as by the international scientific community [7]. Scientific misconduct accusations and investigations are handled in an inconsistent way and have even been used to put additional pressure on women faculty. For example, the latest outburst of open letters started with VPR Prof. Günther on 9. March 2020, stating "there is no evidence of scientific misconduct and no further investigations are warranted" [8a/b]. An open letter from Prof. Dr. Keller on 26. Nov. 2020 [3], triggered another public statement by ETH on 15. Dec. [9a/b] stating that the preliminary investigations found that scientific misconduct had indeed occurred. This is a clear



contradiction to the open letter from VPR Prof. Günther 9 months earlier. We are greatly concerned that problems surrounding the handling of cases of scientific misconduct continue to escalate. It should certainly not have to be the task of students to defend the personal and scientific integrity of their supervisors [10]. ETH needs to find solutions that stand-up to the full light of international standards and scrutiny. This ultimately falls to the competence of the ETH Rat and the political bodies charged with the oversight of federal institutions.

We call on ETH Zürich to formally acknowledge the issues at hand. Attempts to downplay problems have tended to further escalate the situation in the absence of meaningful structural reforms. As the goal is to maintain – or even better, improve – the international standing of ETH in the academic world, we see one key and urgent action that must be embraced to solve these underlying issues. We propose the constitution of an external commission whose members are selected without the influence of ETH/EPFL executive or legal departments or the ETH Rat. This group must be independent of the ETH domain and the Swiss funding system. It must be empowered to review and resolve the multiple internal investigations (past and ongoing) involving female faculty, followed by qualitative explorations of steps for best practice handling of exemplary cases in the ETH domain.

As current and past students and employees of ETH, we want to be proud of our affiliation. It is also of great concern that many of the cases involve women faculty in natural sciences, an area where women are still hugely under-represented. The discrimination of female faculty is highly counterproductive to our mutual public goals to increase their proportion and the number of female students in STEM (MINT) disciplines.

We trust that you will take the necessary steps and appropriate measures to quickly de-escalate the situation and establish the necessary procedures to address these problems with a long-term perspective. Please consider that we would be happy to help build constructive solutions in any way we can and do not hesitate to reach out to us if we can assist proactively.

Yours sincerely

For the Board of Speak Up in Academia

A handwritten signature in black ink, appearing to read 'Margrit Hugentobler', written in a cursive style.

Dr. Margrit Hugentobler
(Acting) President

Cc:

- Prof. Dr. Joel Mesot, President ETH Zürich
- Sekretariat GPK / GPDel, Parlamentsdienste, CH-3003 Bern
- Eidgenössisches Departement für Wirtschaft, Bildung und Forschung WBF
Staatssekretariat für Bildung, Forschung und Innovation SBFI

Attachment: Documents and references referring to the numbers in the text above
Ref. [1] Article in Swiss French-language newspaper, Le Temps, December 1, 2020
<https://www.letemps.ch/suisse/harcelement-sexisme-homophobie-etudiants-sonnent-lalarme-lepfl>