

Observations – a textbook case of academic mobbing

Professor Simon Lilly

Transcript of the Farewell Lecture delivered at the ETH Zurich, 26 March 2024

Good evening. For all of my working life, I have had the great privilege to be an observational astronomer. I talk to you today, at my Farewell Lecture, as a person who has been a professor for almost 40 years, at three different universities in three different countries, and also working at a senior level in government. 40 years is a long time to make observations of our beautiful universe, and also observations of universities and their governance.

I would have liked to tell you tonight about my observations of the distant universe, including observations with the fabulous new James Webb Space Telescope, observations which Physics World magazine hailed last December as one of the Top Ten breakthroughs in Physics of 2023.

But I have decided instead to tell you about observations of my surroundings at the ETH Zurich. I witnessed the events that led to the first-ever dismissal of a professor from the ETH – Marcella Carollo, a female professor, whose husband I am. Much has been said about this case by the ETH and by the media, here and elsewhere, and also on social media. But for seven years, I have said nothing.

This Farewell Lecture is my testimonial of what I observed. Why? Because I believe that what happened was wrong. And I would like to try to help ensure that it never happens again.

I came to the ETH Zurich in 2002, leaving behind my position as the Director General of the Canadian national observatory. Marcella and I were hired together to build from scratch a new program in night-time astronomy at the ETH. Many sexist words have been written about Marcella's appointment at the ETH. But we are talking of a scientist who, both before and after coming to Zurich, had a stellar career. Top fellowships in Europe and the US, then a professorship at the Ivy League Columbia University. In 2018, just as her research career was on the cusp of being destroyed, Marcella was one of only eighteen Highly Cited Researchers at the ETH – these representing the top 1% of scientists in the world in their respective fields. And now, six years later, Marcella is still ranked by research.com as being the top-cited female scientist in Switzerland, and the top-cited member (or former member), male or female, of the Physics Department of the ETH.

But a hostile environment of sexist belittlement is what Marcella encountered arriving at the ETH, as the wife of a male professor in a Department of Physics that, in the quarter century after 1993, would hire 24 male professors and zero female professors, apart from her own so-called "dual-career" appointment. An environment in which its female professors will be referred to as "a toxic export" and a "source of radioactive contamination".

Our response to this prejudiced environment, and to other challenges that we faced, was to roll up our sleeves and get to work. We did what we had been hired to do. The most recent External Evaluation of the Physics Department wrote:

Simon Lilly ... and Marcella Carollo, built the Institute for Astronomy at ETH. Their efforts were exemplary and they managed to build a world-class effort in observational astronomy with a strong supporting theoretical effort as well.

That was written in 2020. But by then that world-class Institute was gone, and Marcella Carollo had been fired. How did we get to that point?

I bring you to the last months of 2016. Marcella is having problems with the research progress of one particular PhD student. She decides she can no longer supervise this student through to a successful PhD. She offers a contract extension to help the student find a new position. She seeks, and follows, the advice of the department. She involves the ETH Legal Office to protect the intellectual rights of all involved. Not a desirable situation, but not so unusual.

But then, in early February 2017, Marcella is told that the student in question has presented a dossier of nine accusatory "testimonials". During a meeting that goes late into the night with the *Prorektor* and the acting Head of the Physics Department, plus a passive Director of Studies, Marcella is told, over and over, that she has violated the so-called ETH Compliance Guide. She asks: when? how? by doing exactly what? But they refuse to say.

And then in early March, Marcella is called to a meeting with the Vice-President for Personnel. She asks, again, to be told the facts: when and what exactly has she done wrong? These facts, obviously, are needed to address any accusations of misconduct. But once again factual information is categorically refused.

Next, the ETH Ombudsman Wilfred van Gunsteren intervenes. He sends Marcella a short document containing fourteen "anonymized extracts" from the accusatory testimonials, ostensibly for her to "comment". But these are so meaninglessly vague that it is completely impossible to respond, except by asking for more information. Let me show you one example:

"12. [Carollo] did put herself as first author on papers written by others, manipulating (co-)authorship. Images of objects obtained experimentally were manipulated on the computer to render them more convincing in regard to a particular hypothesis".

Imagine this happened to you. Wouldn't you want to know which papers, which images, which hypotheses, so that you could address these accusations, and clear your name? Marcella replies to van Gunsteren, in writing, asking over and over to be given the information that would enable her to provide a meaningful and factual response, but Ombudsman van Gunsteren doesn't even bother to respond.

Imagine a senior university official sends you accusations like these, but then doesn't give you any chance to address them. Or, just imagine if a professor behaved like this towards a student? It is my opinion that this is abusive behaviour, in black and white. Abusive psychological bullying. By an ombudsman. And, in my view, it has absolutely no place in a university, or anywhere else for that matter.

Before responding to van Gunsteren, Marcella had met once again with the Vice-President for Personnel and asked to be allowed to clarify even just those two specific issues in Extract 12, both of which she absolutely knows cannot possibly be true. But, no: once again, the Vice-President refuses.

Despite this appalling situation, Marcella agrees to undergo a program of personal coaching and to have a co-supervisor for future students, at least for a while. One can always improve with help.

But, of the real intensity and extent of the operation against her, she still has no idea. Because there is a whole parallel ETH-world of secret manoeuvring going on, the existence of which she would only discover very much later.

Let us look more closely at Ombudsman van Gunsteren in this parallel world. There are few roles in an organization more important than that of the ombudsman. ETH proclaims that their Ombudsoffice adheres to the "Code of Ethics" and "Standards of Practice" of the International Ombudsman Association. These stress the need for neutrality and impartiality for an ombudsman, of "fostering respect for all employees", "promoting procedural fairness", and of "acting with integrity".

INTERNATIONAL OMBUDSMAN ASSOCIATION
IOA CODE OF ETHICS
PREAMBLE
The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.
Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.
The Ombudsman shall be truthful and act with integrity; shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

ETHICAL PRINCIPLES
INDEPENDENCE
The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.
NEUTRALITY AND IMPARTIALITY
The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.
CONFIDENTIALITY
The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.
INFORMALITY
The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

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- Neutral, unaligned and impartial
- Fosters respect for all members of the organization
- Promotes procedural fairness
- Truthful and acts with integrity
- Does not participate in formal adjudicative, investigative or administrative procedures

Unknown to Marcella, right from the beginning, van Gunsteren had, whatever his reasons, sided completely with the dismissed student. It was evidently he who had (quote) “motivated” the multiple accusatory testimonials. And just a few weeks later, in February 2017, van Gunsteren was already writing to selected members of the ETH Executive Board – notably excluding President Lino Guzzella – declaring that he intended to put together a “Court-ready” report on Professor Marcella Carollo. It is clear that putting together a legally-robust case for the dismissal of an employee is not the task of an ombudsman, who should explicitly not participate in formal adjudicative, investigative or administrative procedures. And note that this is several weeks before van Gunsteren had sent Marcella his absurdly vague 14-extracts, exposing that particular episode as a complete charade.

In those February messages to selected members of the Executive Board, van Gunsteren also makes clear his personal antipathy towards President Guzzella, alluding to the earlier President Hafen – in the 2006 ouster of whom, I have been told, van Gunsteren had apparently been involved as the Head of a powerful department. It must be said that two years into his first 4-year term, Guzzella is not a popular president, and there are many who would like to see him out.

And so it is to this unpopular president that this non-impartial ombudsman writes in early May 2017, emphatically insisting on the dismissal of a professor, whom he has denied any opportunity to clear her name, with whom he has never once met to discuss the accusations against her, and to whom neither he nor Guzzella says anything about this demand for her dismissal.

I ask myself. Neutral? Impartial? Promoting procedural fairness? As required by the Ombudsman Code of Ethics.

I personally think that van Gunsteren knew full well that President Guzzella would refuse his demand. Indeed, Guzzella would declare to the ETH-Rat later that summer 2017 that the ETH assessment was that a dismissal of Marcella Carollo would be (quote) “neither appropriate nor justifiable”, “neither proportionate nor enforceable”. Remember these words.

But it is clear that Guzzella is now under personal pressure. Just a few days after receiving van Gunsteren’s demand, Guzzella summons Marcella and me to a meeting at which he tells us that our Institute for Astronomy is to be dissolved forthwith. Our 15 years of (to quote that External Evaluation) “exemplary effort” is to be chucked into the bin. There is to be no discussion: this drastic action is a done deed. Marcella and I will be independent professors in the Department of Physics and the other four astronomy professors will instead be merged into another institute of the department.

After confusedly flip-flopping back and forth, Guzzella insists that these highly visible actions must be announced as due to Marcella’s alleged misconduct, even though – and this he knows full well – there has been no investigation whatsoever into whether the allegations are true or false. It is obvious that these changes are intended, and will be seen, as punishment. The Department of Physics will indeed change its regulations to ensure that our new positions will, in the words of the new Physics Department Head, be “not attractive”.

I ask Guzzella whether there have been any complaints about me and he says, no, none. So, why am I being punished and the Institute being disbanded? Guzzella mumbles “the department wants it”, and that is evidently enough. Indeed, much later, it will become clear to us that for months the new management of the Physics Department and van Gunsteren will be marching in lock-step, co-ordinating their secret manoeuvring, while keeping us unaware of what they are doing.

So, to the psychological abuse of hidden accusations, we can now add actual punishment for hidden accusations, or, in my case, punishment for no accusations at all.

Only a very few colleagues react to this with any concern at all. Two brave female colleagues do try to put together a petition, at a meeting of ETH female faculty, asking for “due process” – that the accusations should be investigated before any irrevocable action is taken. But, witnesses tell me, the two most senior women present, the *Rektorin* Sarah Springman and the Associate Vice-President actually responsible for gender issues at ETH, quickly squash this initiative.

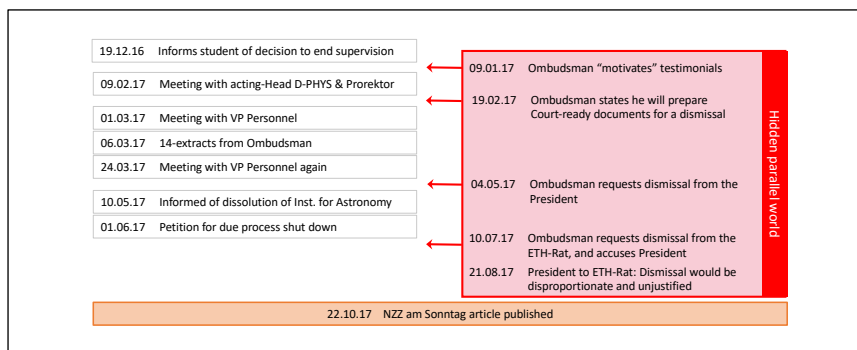
And, by the way, in this whole story, neither of these two will see fit, even once, to contact Marcella, one of the few female professors at the ETH, to understand her point of view. In my opinion, an eloquent testament to what are the real gender issues at this university.

You can imagine the emotional torment, the mental distress and physical fatigue, from the sheer powerlessness of being accused, judged, and punished, while being prevented from presenting any evidence to address the still hidden accusations. Psychologists studying workplace mobbing observe¹ that when the target-person eventually shows (quote) “symptomatology due to the torment” – in Marcella’s case two emotionally written emails she sent, in a moment of distress, to a few close collaborators – this will be seized upon and the target blamed also for the psychological torment. This is especially the case when the target is a female, (quote) “in the same way that a battered wife is blamed for the ... abuse that she has suffered at the hands of her husband”.

Relentlessly, van Gunsteren keeps going with his plan, and now takes his dismissal demand to the ETH-Rat President Fritz Schiesser, adding also accusations against President Guzzella. And once again, neither van Gunsteren, nor Schiesser, nor Guzzella, see fit to inform Marcella Carollo about this demand.

van Gunsteren also tells Schiesser that he foresees the involvement of the Press. It should be obvious that, should the Press get involved, what has been a case of the simple truth or falsehood of accusations against a professor will be transformed into a matter of politics, in which image and propaganda for an institution may come to outweigh truth and justice for an individual, and in which other political goals can be pursued and achieved.

Let me give you a summary chronology up to this point, of both the story as known to us, and the still-hidden parallel world of which we knew nothing.



As had been predicted, in October 2017 the local *NZZ am Sonntag* publishes an article about what it calls bullying by Marcella Carollo and the closure of the Institute for Astronomy. Suffice it to say that that article, and those that followed, were stuffed with sexism and sensational falsehoods, about Marcella and about me.

The response of the ETH is to put out a Press Release. Let me highlight the key words:

ETH zürich

Press release

Management conduct under review

Administrative enquiry opened

Zürich, 20 October 2017

ETH Zürich is launching an administrative enquiry into allegations made in the Department of Physics. The Executive Board has already taken immediate action in the first half of the year, including measures to protect doctoral students and the closure of the Institute for Astronomy. Now the enquiry will be taking a more detailed look at the circumstances in the former institute. Additional measures may also be proposed.

ETH Zürich's Executive Board has decided to open an independent administrative enquiry in response to allegations made in the former Institute for Astronomy. The purpose of the investigation is to clarify the circumstances and procedures in the areas concerned, and to review the conduct of the people involved. ETH President Fritz Guzzella comments on the decision: "The official enquiry allows us to take an even closer look at the facts and decide whether further measures still need to be taken". Over the coming days, the ETH Executive Board will commission an external expert to carry out the administrative investigation.

In hindsight, the personnel set-up at the Institute for Astronomy was not ideal, as both the professor in question and her husband were employed as professors in the same institute. As a result, the Institute for Astronomy was closed in August.... Having identified the problematic circumstances, the priority was to reform the inappropriate personnel structure as quickly as possible so as to rectify the situation.

At the same time, the Executive Board confronted the professor about the allegations and listened to her version of events

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¹ J.C. Simmons in “Confronting Academic Mobbing in Higher Education”, Caroline Crawford, IGI Global, 2020.

“At the same time, the Executive Board confronted the professor about the allegations and listened to her version of events”

But, I ask you, how can a professor possibly have given “her version of events” if everyone – acting Head of Department, *Prorektor*, Ombudsman, Vice-President, President – has systematically, emphatically and absolutely refused to provide any factual information – the who, what, when, where – of the “events” in question? Just think of the image manipulation and the writing of the papers – how can she possibly have given “her version” of those, if she was not told which image, or which papers. And the same for all of the other things.

And there is this other long paragraph. It says that the Institute for Astronomy had been disbanded because Carollo and I were professors in the same Institute, and that the top priority had been to rectify these (quote) “problematic circumstances”.

Many people quite reasonably concluded from this Press Release that the ETH’s drastic action of closing an entire Institute indicated (a) that very serious misconduct had been established through “due process”, and (b) that we had both been involved. Unfortunately, neither of these was true.

Inevitably, a feeding frenzy erupted on social media. Demands that neither of us be ever invited by anyone to anything again. Devastation of our reputations. Complete ostracization. And there, standing in the front rank of this vicious and destructive mob on social media, were many of those individuals who, we would later learn, were those whose identities and secret accusations the ETH had been so assiduously hiding because the ETH said they were the “vulnerable” of the situation.

And so, despite all Marcella’s earlier refused requests for a factual examination of the accusations against her, it is only now, after the story has been recast from the factual into the political, that the ETH Rat orders the ETH management to carry out not one, but two investigations. But now is very late. Investigations to take place only after the implementation by ETH of very visible and drastic actions, only after a devastating trial-by-media, only after the ETH’s own, in my view, highly misleading Press Release, and only after our destruction on social media. And, astonishingly, investigations to be preceded by the Ombudsman van Gunsteren writing to a large number of potential participants, referring to Marcella Carollo’s behaviour as (quote) “utterly disrespectful and non-professional”, telling them of (quote) “the improper way the President had handled it”, and informing them that the purpose of the investigation was (quote) “in order that the allegations will be confirmed”. A revealing choice of word that – “confirmed”, not “investigated”. I ask you again, is this ombudsman-behaviour?

In such a poisoned atmosphere, in such a politically-loaded environment, will it be possible to have a fair investigation? It would have required a great deal of self-confidence and moral courage to have ensured that.

So, let me focus on the first investigation, the so-called Administrative Investigation, which was announced in the October 2017 Press Release and carried out by a lawyer from a Bahnhofstrasse law firm, paid of course by the ETH. It will take six months for this lawyer to interview Marcella and, soon after, to deliver the documentation that finally enables her to counter allegations with factual evidence. And for her to finally gain some insight into the hidden manoeuvring of the Ombudsman, the Head of the Physics Department and other ETH officials.

But a factual response from Marcella was evidently not desired, because just two days after delivering this documentation, the lawyer delivers his Draft Report. A long series of unsupported statements and accusations listed in the first part, and then later referenced in the second part as if they had become established facts. Followed by a recommendation that Marcella be dismissed without warning. Marcella submits a detailed response, some 90 pages with 350 pages of supporting documentary evidence. And what does the lawyer do? A few words added here and there, usually to the effect that Carollo had disputed this or that. No significant changes. His conclusion unchanged.

You can read this report. The ETH later released it, citing the public interest and transparency, but it should be noted, without attaching Marcella’s response. As others have commented²: partial transparency is no transparency at all.

Since time is short, let me just quote the politically-restrained words about this report that were written by the Commission that President Guzzella later convened to recommend, on the basis of this same report, whether Marcella Carollo should be dismissed.

² *Merkur*, 13 June 2019, H. Schauer, *Verfahren in der Gelehrtenrepublik*

In studying the documentation, the Committee found that the report produced by the investigator did not always paint an impartial picture. Rather, some aspects of the report convey the impression that too much weight was given to negative and detrimental comments about Professor Carollo's conduct towards her doctoral students and assistants. By contrast, statements providing neutral or positive comments about Professor Carollo featured only occasionally (or not at all) in the investigation report. Furthermore, certain comments quoted verbatim in the report seem to be taken out of context or cited in isolation, and it is noticeable that the investigator formulated a number of questions during the interviews in such a way as to give the impression that he was expecting an answer to be in a certain direction ("leading questions"). In light of the above, the Committee believes that as a result of this procedure, it is impossible to rule out that the overall picture of the circumstances in the former Institute for Astronomy may have been presented in a somewhat distorted light.

.... the Commission recommends:
(a) Professor Carollo should not be dismissed.

"The Report ... did not always paint an impartial picture.... too much weight given to negative comments statements providing neutral or positive comments featured only occasionally (or not at all) quotes taken out of context or cited in isolation ... a noticeable use of leading questions. In conclusion: as a result of this procedure, it is impossible to rule out that the overall picture of the circumstances in the former Institute for Astronomy may have been distorted."

And the resulting recommendation on dismissal was clear:

"...the Commission recommends:
(a) Professor Carollo should not be dismissed."

By the way, buried deep in that report, the "problematic circumstances" of us both being in the same institute – which in the ETH Press Release had been the reason for the closure of the Institute – were said to have played no role at all. So, was this just malicious corridor gossip? Deliberately made up? It was used to destroy a "world-class" institute, and my own career.

Let us now go back in time. To September 2017. Remember the mysterious second investigation ordered by the ETH Rat. This had not been revealed, neither in the October Press Release, nor to Marcella herself. A secret investigation, secretly ordered, and secretly carried out.

It concerns Scientific Integrity. The core value in Science. The personal core value for any reputable scientist. The core value, one would hope, of any reputable university. As a result of the secret order from the ETH Rat, the so-called Confidant Bernard Plattner, a kind of scientific ombudsman, trawls through the testimonials, searching for accusations of scientific misconduct. He puts together his secret Report and presents it to the ETH Executive Board. Neither Plattner, nor the Executive Board, see fit to contact the accused professor for any clarifications. Instead, they drop a bombshell.

17th January 2018. It is now four months after the Rat-order, and the other investigation by the Bahnhofstrasse lawyer has not yet begun. Marcella is summoned to President Guzzella's office, where he and the Vice-President for Research Detlef Günther communicate that she is being suspended from the university with immediate effect, and that her remaining research group is to be immediately disbanded. Why? Because the ETH is now launching a formal investigation into what it calls "corroborated suspicions" of scientific misconduct. Guzzella makes the meeting very short – he is rushing to announce this sensational news to the Department of Physics and then to the world in a Press Release one hour later. As the press reports: "the accusations are now getting heavy".

Let's look at the Charge Sheet that was handed to Marcella Carollo on that day [see overleaf]. Look at the first charge. The infamous manipulated image is now back. And at last, after almost a year, we finally learn which image it is. I can tell you that it took us 10 minutes with our laptops, maybe less, to find the original images and to prove that this accusation was complete and utter garbage. The images in that proposal had certainly not been "manipulated", neither by Carollo nor by anyone else.

Charge Sheet of Scientific Misconduct 17 January 2018

Details [here](#) redacted

- Image Manipulation: Was an image in the proposal [REDACTED] manipulated by Prof. Marcella Carollo, and, if so, in what way?
- Conflicts of interest: Did Prof. Marcella Carollo conceal a conflict of interest in her participation in the evaluation of the application of [REDACTED] for an SNSF Professorship.
- Authorship: Is the position of Prof. Marcella Carollo as an author in the publications that are mentioned in the "Testimonials" in connection with authorship issues consistent with her contribution to the corresponding publication?
- Authorship: Did Prof. Marcella Carollo abuse her leadership position in the group to determine the order of the authors, without the agreement with the co-authors, as envisaged in the Guidelines for Integrity and contrary to the contributions of the individual authors, and thus violated Article 14 (4) of the Integrity Guidelines?
- Supervision of junior scientists: Did Prof. Marcella Carollo violate her duties in the care given to young scientists in the manner described in the "Testimonials"?

What do you think? Should a university suspend a professor, disband her research group and publicly humiliate her in a Press Release based on an accusation that she has fraudulently manipulated scientific images without once seeing the claimed manipulation – as Plattner admitted he hadn't – without once asking the professor about it, or retrieving the original data that is always easily available from the NASA archive.

And let's look at the second charge: Again, just a few minutes going through her emails proves that Marcella had declared that conflict of interest – she had done so in writing, and she had done so twice – the second time to remind the relevant SNF official of the first. So that too was rubbish. But, again, Plattner hadn't asked Marcella about this, he hadn't even picked up the phone and called the SNF, just up the road in Bern.

Corroborated suspicions? Where, I ask you, is any kind of due diligence in all of this?

Note, these are the very first accusations, since the beginning of the story, for which the ETH discloses the essential details – the who, what, when, where. And, since it took Marcella just 10 minutes to easily and decisively disprove them, one has to ask: why was it that the Head of Department, and the *Prorektor*, and the Ombudsman, and the Vice-President, and the President, and the *Rektorin*, had not wanted to clarify these allegations when they had first been presented a full year earlier? Why had all these ETH officials so strenuously resisted examining the presented accusatory testimonials for truthfulness? Why?

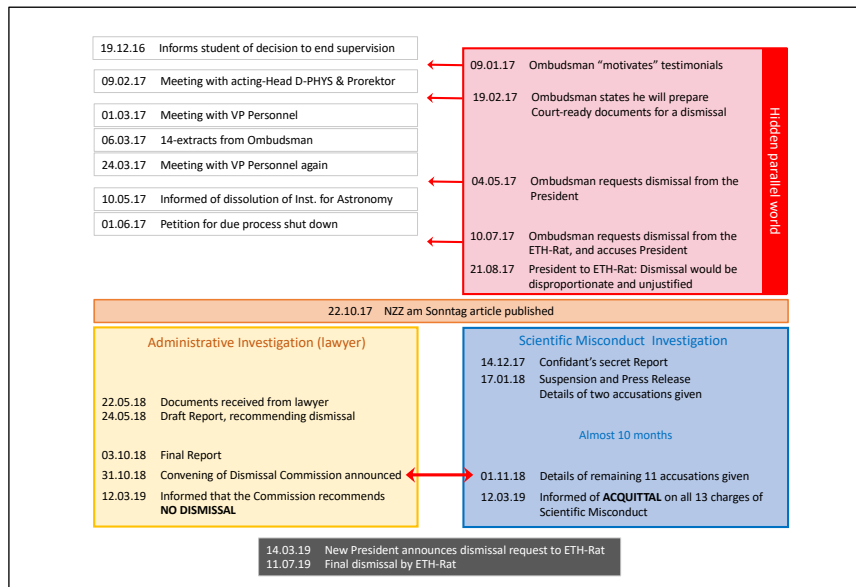
And note also that these first two so-easily disprovable accusations had come from two testimonials that had been solicited from people who had left the ETH more than a dozen years previously – testimonials that had been used to construct the ETH-narrative of Marcella's decades-long alleged misconduct.

And what of Plattner's other charges? These last three bullets are still as vague as ever. They will eventually be expanded into eleven specific charges. But, to know the who, what, when, where, needed to address these other eleven charges, Marcella will have to wait until November 2018 – that is, can you believe it, almost 10 months after her suspension and the associated ETH Press Release. And, after this 10-month delay, Marcella is given precisely 11 days to respond, with no extension to be granted.

Despite this rush, Marcella proves that every single one of the thirteen charges of scientific misconduct that had been brought forward by the ETH Confidant Bernard Plattner is false. She will be informed that the Investigating Committee of scientists had found "no evidence of scientific misconduct".

And, of course, the factual evidence that Marcella had presented to completely disprove Plattner's allegations of scientific misconduct was very similar, sometimes identical, to that which she had presented to the lawyer in the other investigation. But, in that case, with no effect at all.

So, why did the ETH hide the details for 10 months and then suddenly demand the rush of 11 days? Of course, there is always the possibility of gross incompetence. But it is a fact that Marcella finally gets the needed information just the day after Guzzella announces to the world, in yet another ETH Press Release, that he is convening the Commission to consider the historic first-ever dismissal of a professor from the ETH.



I ask you, can one avoid the suspicion that this whole business of suspending the professor and publicly announcing a formal investigation into scientific misconduct was never really about scientific misconduct at all? Was it just a way to keep Marcella away from the ETH for a year until the Report from the other investigation had been delivered and the Dismissal Commission could be convened? A pretext to disband her research group, destroy her decades-long research program, and create a "scorched earth" around her so as to facilitate her eventual dismissal? And a way to further prejudice her immediate environment at ETH against her at the very start of the other investigation? And to disgrace and isolate her within the international research community? And to further blacken her in the Swiss media and even within our own local community?

In short, was this whole operation a weapon, a secret weapon, unleashed to destroy the soul and the persona of a scientist with a spotless record of 25 years of integrity in scientific research?

Easily-disprovable accusations of scientific misconduct. If these were indeed used to destroy a scientist, then this would, in my opinion, be an irredeemable disgrace for all the individuals involved. They would have betrayed the core value of Science, and the core value of this distinguished university.

And, before leaving scientific misconduct, let me say that there was in fact verified scientific misconduct in this story. But it was not committed by Marcella Carollo. And nothing was ever done, or publicly said, by the ETH about that case of verified scientific misconduct.

And so we come to the end of the story in March 2019. By then, President Guzzella is finally out. The ETH-Rat appoints a new ETH President, Joel Mesot – himself a long-time member of that same Department of Physics at the ETH. And so it is Mesot who summons Marcella Carollo to inform her that the Dismissal Commission has recommended she not be dismissed and that she has been cleared of any scientific misconduct. But that, despite these, he has decided to proceed with the dismissal.

He will write to the ETH Rat (quote)

"Apart from the fact that Professor Carollo currently no longer has a research group, neither the professors nor the other members of the Department of Physics, especially the doctoral students, would understand a decision to reinstate Professor Carollo in the department."

And the ETH Rat duly does dismiss, for the first time ever, a professor from the ETH.

Marcella appeals to the Federal Administrative Court, hoping for justice. This Court takes an inordinate two and a half years to deliver its judgement in April 2022. As the ETH had itself assessed back in the middle of 2017, Marcella's dismissal is judged by the Court to have been "disproportionate and unjustified". But that is not enough in Switzerland to get your job back. Despite the story that I have related, the dismissal is judged not to have been illegal and, despite male professors seemingly being treated differently, not to have been gender discrimination.

But there are people in Switzerland concerned about what they see happening. A very distinguished Swiss citizen – with whom Marcella and I have absolutely no connection – a citizen with a decades-long record of upholding *Staatsrecht* in this country writes to the presiding judge:

... I have rarely seen such a density of contradictions within a decision of the Federal Court ... The judgment is in the service of System Protection – *Systemschutz* – the ETH must not be criticized, even if its actions were not only abusive (for example the media campaign...), but clearly illegal In my opinion, from the point of view of the Rule-of-Law, this is an extremely regrettable, even a shameful judgment.

Dr. iur. [REDACTED] 26 April 2022

Dear [REDACTED],

Yesterday I studied in detail the judgment of the Carollo case by the Federal Administrative Court. I must state that I have rarely seen such a density of contradictions within a decision of the Federal Court. I will not go into details, but I find that in many regards the Court, this Bench of Judges, has in no way lived up to the motto found on your website (*bene docet, qui bene distinguit*), modified into '*bene judicat qui bene distinguit*'.

The judgment is in the service of System Protection – the ETH must not be criticized, even if its actions were not only abusive (e.g. the media campaign, which is even criticized in the judgment), but clearly illegal. In my opinion, from the point of view of the Rule-of-Law, this is an extremely regrettable, even shameful judgment.

That you cannot answer me is self-evident.

[REDACTED] My translation

*gestern habe ich das Urteil Carollo des BVGer eingehend studiert. Ich muss gestehen, dass ich noch selten eine solche Dichte an Widersprüchen in einem Urteil eines Bundesgerichtes gesehen habe. Ich gehe nicht auf Einzelnes ein, finde aber, dass das Gericht, dieser Spruchkörper, dem auf Ihrer Website gefundenen Wahlspruch (*bene docet, qui bene distinguit*), abgewandelt in *bene judicat qui bene distinguit*, in vielen Bezügen in keiner Weise nachgelebt hat.*

Das Urteil stellt sich in den Dienst des Systemschutzes – die ETH darf im Ergebnis nicht kritisiert werden, auch wenn deren Vorgehen mehrfach nicht nur rechtsmissbräuchlich (u.a. Medienkampagne, die sogar im Urteil kritisiert wird), sondern klar rechtswidrig war. Ein m.E. aus rechtsstaatlicher Sicht äusserst bedauernswertes, ja beschämendes Urteil.

Dass Sie mir nicht antworten können, ist selbstverständlich.

We decided that a legal appeal was not possible for us, neither emotionally nor financially. And besides, when a system has entered *Systemschutz*, one cannot trust that system any longer.

But, in any case, let us not gloss over those two words disproportionate and unjustified. The first-ever dismissal of a professor from the ETH was judged by the Court to have been disproportionate and unjustified. If I had been the ETH President, I would have resigned.

So, was the Carollo-case a case of courageous whistle-blowing, or a co-ordinated malicious attack on a professor, initiated by a dismissed student? How can you tell these two apart? Only by determining whether the presented allegations are true, or false. And that can only be done through a fair examination of factual evidence presented by both sides.

And if someone makes objective, factually-disprovable, accusations that are then proven to be false, or at best malicious distortions of the truth, surely that person is no longer credible when it comes to more subjective statements. Their malicious intent discredits these entirely. And even if multiple people say the same subjective things, that cannot be taken as evidence that those subjective things are actually true, especially when statements have been actively solicited within a conflict situation, and may have been so easily coordinated. You must look at the factual evidence. Good management knows this.

You know, about six months before this story started at the ETH, remarkably similar accusations to those at ETH had been presented at a university in the United Kingdom: again by multiple accusers, again against two astronomers – again another couple. There, the management straight away initiated a proper internal investigation. The accused professors were told the accusations and the identities of their accusers, so that they could submit their own evidence. No actions were taken until this thorough investigation had been completed. And the outcome? The couple were cleared of all accusations, and the investigator found it “hard not to conclude” that the complaints had been maliciously presented.

And, by the way, there was a direct connection to the Carollo-case: one of the malicious attackers in the British case is known to have been a friend of the dismissed student at ETH. And the day the *NZZ am Sonntag* article appeared, it was this same individual who rushed to inform more than 1000 astronomers worldwide, denouncing Marcella and me as the bullies in the article, triggering the tidal-wave of destruction on social media.

The management of that British university was determined to treat everyone with fairness – accusers and professors alike. That is good management of a public institution. Unfortunately, it is not what happened at the ETH. At the ETH, several officials became actively involved. They motivated further accusations. They did not carry out the required procedures at ETH for mediation and conflict-resolution. And in fact, they worked together to expel the professor from the university.

There is a huge literature³ on what is called academic-mobbing, which usually leads to the expulsion of an academic from their position. This is typically achieved through the emergence of a hostile alliance completely surrounding the targeted person – supervisees below, the university management above, and colleagues around the sides. A diverse alliance that coalesces to pursue different gains. An alliance that easily expands the number of accusers by exploiting peer-sympathy and peer-pressure, as well as envy, resentments, and opportunities for gain. An alliance that systematically dehumanizes the target, inside and outside the workplace.

According to these studies, academic mobbing is very often characterised by secrecy, consequential actions based on rumours and gossip, punishments for alleged crimes which remain deliberately un-investigated, the use of disparaging language and circulation of defamatory falsehoods, different interest groups co-ordinating in secrecy whilst keeping the target unaware of what is happening, and a final convergence of interests leading to a (quote) “Stalinist show trial” of pre-determined guilt. As you have seen, these all figure prominently in the Carollo-case, which is now recognized by experts in the field to be a textbook example of academic mobbing. I refer you, for example, to the 2021 public lecture by Professor Kenneth Westhues, one of the leading scholars of academic mobbing.

Prof. em. Kenneth Westhues

Sep 27, 2021
4 pm
Online Lecture

Ethics in Science
Lecture Series

Kenneth Westhues
Professor Emeritus, University of Waterloo, Canada

Title: "Hierarchies and Mobbing in Academia"

Max Planck Institute for Brain Research
www.brain.mpg.de/ethicslecture/westhues

"This lecture reports results of research over the past 20 years on **workplace mobbing in universities, commonly called academic mobbing.** Among examples analyzed
..... **the case of Marcella Carollo**, the astrophysics professor formally dismissed from ETH Zurich in 2019, in which kindness toward students became an excuse for extreme collective unkindness toward a professor."

<https://brain.mpg.de/ethicslecture/westhues>

These experts emphasize that academic mobbing represents a serious institutional deficiency. A healthy organization with sound governance has the checks and balances to ensure that conflict-situations are not exploited, but rather are contained and resolved. But for this, healthy organizations must have rules and procedures, and must follow them, equally for everyone. In the Carollo-case at ETH: rules and procedures completely ignored, or applied selectively depending on who or what was at stake, consequential meetings without minutes, secret networks of communication between informal power groups, decisions and actions kept secret until unilateral last-minute communications, a complete lack of transparency. In short, a good-governance vacuum.

³ see e.g. E. Seguin, University Affairs, 19 Sep 2016, and the excellent conference proceedings “Confronting Academic Mobbing in Higher Education”, ed. Caroline Crawford, IGI Global, 2020.

A governance-vacuum with at least three aggravating factors: at least one ETH official operating, in my personal opinion, far beyond the ethical boundaries; a problematic situation at the very top of the organisation; and, within our own institute, an individual who, I was told by the President, was using his close connections to the media and political spheres to try to secure a permanent professorship at the ETH, which he badly wanted, whatever the cost to others. And although these three aggravating factors might be thought to have been unique to 2017, they are, in my opinion, each a manifestation of deep-rooted systemic weaknesses at the ETH.

My own view is that the Carollo-case was manipulated from the very start. And that, as a result of an inept management response to that manipulation, a situation emerged by the middle of 2017 in which any outcome in which Carollo was not declared guilty, and dismissed, would have exposed the wider problems of the ETH and thus threatened the reputation of a jewel of the country. I myself suspect that the decision that Marcella must be dismissed from the ETH was actually taken at about the time that the matter was transformed, in my opinion intentionally, from the factual to the political by mobilizing the Press. If so, then everything that followed was pre-ordained.

And it was undoubtedly Marcella who was the vulnerable one in this environment, with many cumulative factors stacked against her: a foreigner from southern Italy (despite her taking out Swiss citizenship), with the envy and sexist stigma of a so-called dual-career appointment, an astronomer working in a physics department. But most of all, a high-achieving female immersed in a highly male-dominated culture.

Marcella's courageous determination to address, factually, accusations that she suspected to be false, was, from the very beginning, used as evidence of an additional crime – of refusing to acknowledge her guilt, of being *uneinsichtig* in the ETH's lexicon. History has heard such arguments before, and found them wanting.

You may be wondering, does this sort of thing in the end matter, beyond the destruction of a professor or two? Yes, I think it does. Universities are training the next generation of scientists and leaders. These should not receive the message that lies and deception are OK, provided that you are aligned with the powerful. Or that "Respect." is for some but not for others. Or that academic standards can be circumvented by presenting accusations against your supervisor.

And, at a deeper level, too, it is very concerning to observe universities in the vanguard of the erosion of the most basic constitutional protections of due process, due diligence and equality of treatment that underpin any democratic society.

I have learnt of many cases of academic mobbing occurring since 2017. The vast majority have involved attacks on senior, successful, women scientists. Many of the targets have also been foreigners who had trustingly moved to a new country to work and to build.

So many victims. My talk is dedicated to all of them. And also to those few truly courageous individuals, including some journalists, who have been prepared to stand up for justice – some of whom, I know, have suffered greatly as a result. Not least, to the memory of our friend Professor George Lake, and also to Professor Ursula Keller in the Physics Department of ETH. Her civic courage is truly an asset to the ETH, and to this beautiful country and its generous people.

Indeed, I dedicate my testimonial to every person, here and elsewhere, who believes in good governance, truth, and justice.

Thank you for listening.