

Regulations concerning scientific integrity

The Senate of the University of Bern,

on the basis of Art. 36 para. 1 item b of the law governing the University of 5 September 1996 (UniG),

decrees:

Preamble

Truthfulness and integrity are core elements of research and scientific work. They are also a prerequisite for scientific credibility, and justify the right to freedom in research. The University does not tolerate any form of scientific research misconduct.¹

I. GENERAL PROVISIONS

Art. 1 ¹ These regulations apply to all members of the University of Bern who are engaged in research or other scientific work.

² These regulations constitute a minimum applicable standard. If a Faculty has its own regulations against scientific research misconduct that are more extensive than these regulations, the Faculty should apply its own regulations. However, if the regulations of the Faculty are incompatible with these regulations, the regulations included in this document will apply.

³ These regulations do not cover any questions relating to the political appropriateness of research projects, or any ethical questions that may arise in connection with research projects involving human beings and animals.

⁴ The right to initiate criminal proceedings is reserved.

Art. 2 ¹ Quality in research should take precedence over quantitative aspects. In this respect, originality of questions, significance of conclusions, accuracy of primary data and

¹ These regulations closely follow the guidelines of the Swiss Academy of Medical Sciences (SAMS) of June 2002 relating to scientific integrity in medical and biomedical research and to the procedure to be followed in cases of research misconduct.

reliability of findings should in principle be valued more highly than a rapid result and the number of publications.

² Research work must be carefully planned. In this respect, the structure of the research project must be taken into consideration:

- a For clinical trials in particular, the research plan and any subsequent amendments must be set out in writing and must be easily understandable, including for third parties who may wish to review the research results. In basic research, details of experiments and how work on the research project is progressing must be reported.
- b This plan should provide information about the person(s) responsible for the project, its funding, source(s) of funding and handling of primary data, and also about any influence exercised by a sponsor over the research project.
- c If the possibility of a patent application being lodged on the results is raised during planning, any interests in this respect must be regulated during the planning phase in an agreement, which must be signed by all participants. In this case, all participants must refrain from publication until the patent application has been lodged. If the possibility of a taking out a patent only arises during the course of the project, such an agreement must be concluded at that time.
- d The original experimental results (“primary data”) must be fully, clearly and accurately documented to exclude any possibility of injury, loss and selective manipulation. All authorised persons should have easy access to these records. After a person has withdrawn, it must be determined whether he or she still has access to the primary data, and if so for what purpose.
- e The participants in a project should inform each other of matters that may be relevant to the progress of the project. Information should only be disclosed to third parties in accordance with the research plan and as agreed within the project group and with sponsors. After the project is completed and the results published, such information as is required may be made available to third parties who wish to repeat and verify the experiments, unless there are any agreements to the contrary or patent applications. If proceedings for research misconduct are initiated, the primary data will immediately be made available to the competent authorities.
- f A person is listed as an author if he or she has personally made an important scientific contribution to the planning, conduct, evaluation or control of the research work. In case of doubt, the head of the research project will decide whether a person is entitled to claim authorship. Managerial positions within the research institution, and/or financial and organisational support for the project, do not entitle a person to claim authorship. There is no honorary authorship.

The leader of the research project guarantees the correctness of the entire published content. The other authors are responsible for the correctness of any statements that they have been able to verify because of their position within the project group.

- g Experts and peer reviewers who are commissioned to evaluate research work or research projects that are in competition with their own work should either turn down the commission or disclose their conflict of interest and leave it to the commissioning body to consult another expert if they feel it necessary.

II. RESEARCH MISCONDUCT IN SCIENTIFIC WORK

Art. 3 Any contravention of the principles of scientific integrity that may be detrimental to the development of scientific knowledge, and that is harmful to individual interests that merit protection, will result in proceedings to establish whether any culpable (i.e. deliberate or negligent) misconduct has occurred.

Art. 4 Contraventions that may be detrimental to the development and publication of scientific knowledge include in particular:

- a the fabrication of research findings;
- b the deliberate falsification of primary data, false representation, the deliberately misleading manipulation of research findings and the exclusion of primary data without disclosing this fact and the reasons for it (falsification, manipulation);
- c the non-observance of the correct handling of primary data (cf. Art. 2 para. 2 item d)
- d the disposal of stored primary data before the end of the prescribed storage period in accordance with the relevant legal bases, after notice of a request from a third party or parties to inspect the data, or if there is a report of suspected research misconduct and/or during ongoing investigation proceedings;
- e a refusal to allow properly authorised third parties to view primary data;
- f the non-disclosure of data sources;
- g failure to disclose tied interests.

Art. 5 The following contraventions in particular are regarded as harmful to individual interests:

¹ in research work:

- a the copying of primary data without the consent of the responsible project leader (data piracy);
- b the sabotaging of research work carried out by other persons within or outside one's own research group, for example by deliberately disposing of research material, equipment, primary data and other records, and rendering them unusable;
- c the breaching of the duty of discretion (duty of confidentiality);

² on publication:

- a the publication of the research results and findings of other people under one's own name (plagiarism), and/or failure to disclose a source;
- b the quoting or adoption of theories, hypotheses or opinions without disclosing their source;
- c the claiming of authorship without having made a significant contribution to the work;
- d the non-disclosure and intentional failure to refer to persons involved in the project who have made an important contribution to it; intentionally referring to a person as a co-author if that person has not made any significant contribution;
- e the deliberate misquoting from extant third-party works, or works that are allegedly by third parties;
- f giving incorrect information about the publication status of one's own works,

³ in the scientific appraisal of the performance of third parties:

- a the deliberate non-disclosure of conflicts of interests;
- b the breaching of the duty of discretion (duty of confidentiality);
- c making negligently or deliberately false judgements on projects, programmes or manuscripts;
- d making unsubstantiated judgements in order to procure benefits for oneself or for third parties.

III. THE INTEGRITY OFFICER

Art. 6 ¹ The Senate will appoint an integrity officer from current or former members of the University, and this person will be entrusted with dealing with reports of research misconduct.

² The integrity officer will serve for a term of two years, and may be re-appointed.

³ The integrity officer will be the point of contact for all members of the University on all matters relating to research misconduct.

⁴ The integrity officer will be responsible for assessing reports of research misconduct, carrying out a preliminary assessment and managing proceedings.

⁵ He or she will supervise the prompt handling of the proceedings.

IV. PROCEEDINGS

1. General

Art. 7 ¹ A report of research misconduct must be submitted in writing to the integrity officer, giving reasons. Art. 6 para 3 continues to apply.

² The integrity officer will hear statements from the whistleblower and the respondent, and may conduct further preliminary assessments.

³ If the suspected research misconduct is substantiated, the integrity officer will initiate an inquiry process.

⁴ If the suspected research misconduct is not substantiated, no inquiry process will be initiated. The integrity officer will advise the Rector of this.

⁵ The integrity officer will conduct an assessment and/or initiate an inquiry process within a maximum of 60 days from receipt of the report.

Art. 8 ¹ If the integrity officer becomes aware of possible irregularities, he or she may conduct a preliminary assessment.

² When there is a minor contravention of public interests, the integrity officer may resolve the matter on the spot by arranging precautionary measures.

³ In all other respects the proceedings will follow the provisions of Art. 7 para. 3 to 5.

Art. 9 ¹ A documentary record must be made of the individual stages of the proceedings. Written records must be kept of interviews and must be signed by all parties involved. All records must be kept together in a case-related dossier and held on file by the integrity officer.

² All proceedings are in principle confidential. The University Board of Directors will decide the timing, form and content of any publication of the facts of a case and the findings.

³ Whistleblowers have a right to confidentiality. The University Board of Directors will ensure that they are protected from any reprisals or discrimination, especially if the whistleblower is in a paid employment relationship with the respondent.

⁴ The respondent must be informed at the beginning each phase (preliminary assessment, inquiry process, decision on the case) of the people who will make up the investigation committee in each case. He or she must have the opportunity to ask for the removal of individual members of the investigation committee concerned.

2. Investigation committee

Art. 10 ¹ The investigation committee will be appointed by the integrity officer, who will not be a member of the committee.

² The committee will consist of one or more persons with appropriate specialist knowledge of the area under investigation. The members of the committee should have no personal interest in the matter under investigation, and in particular should not:

- a have published with the respondent in the last 7 years;
- b have worked with the respondent;
- c have any business or private connections with the respondent.

Art. 11 ¹ The investigation committee will conduct any inquiries that may be necessary.

² The committee will give the respondent an opportunity to make a detailed statement on the charges, submit evidence and request additional inquiries to be made.

³ The committee must then hear the whistleblower, especially if that person claims that his or her personal interests have been contravened by the act of research misconduct.

Art. 12 ¹ If the inquiry establishes that the accusation is unfounded, the investigation committee will request the integrity officer to suspend the proceedings.

² The integrity officer will hear the respondent and the whistleblower with regard to the suspension request from the investigation committee. The integrity officer may then suspend the proceedings or pass it to the deciding committee. If the proceedings are suspended, the University Board of Directors must be notified of this.

³ If the inquiry establishes that the accusation is fully or partly substantiated, the investigation committee will transfer the dossier to the integrity officer, who will appoint a deciding committee and then hand the matter over to it.

⁴ The dossier must also be forwarded to the deciding committee if the respondent requests this, in order to formally establish that the accusation is unsubstantiated and if necessary to establish whether the whistleblower was acting maliciously.

3. Appraisal committee

Art. 13 ¹ The appraisal committee will be appointed by the integrity officer, who will participate in an advisory capacity.

² The appraisal committee will consist of the Dean of the Faculty concerned or the President of the Conference of Interfaculty Units (KGE), who will act as chair, two full professors or senior lecturers (ausserordentliche Professorin oder ausserordentlicher Professor) of other Faculties and also two non-Faculty experts in the relevant specialist field. The experts should confirm their independence and impartiality in writing. One member of the Legal Services of the University will participate in an advisory role.

Art. 14 ¹ The appraisal committee will take due note of the contents of the dossier. It will hear the respondent and the whistleblower.

² If new aspects of the case come to light, the appraisal committee may urge the investigation committee to conduct further inquiries and amend the dossier accordingly.

³ The appraisal committee will not conduct its own examination, but will establish the facts on the basis of the papers from the investigation committee and the personal testimonies of the respondent and if necessary the whistleblower, and make a proposal to the University Board of Directors.

Art. 15 ¹ If the charge of research misconduct is found to be unsubstantiated, the proposal formulated may also include observations as to whether, and if so to what extent, the whistleblower has acted maliciously.

² If it is established that the accusation is fully or partly substantiated, the proposal formulated will be limited to stating which persons were responsible for the research misconduct, what constitutes the culpable conduct and where the blame lies. If necessary, the proposal formulated will also determine the extent to which the research misconduct has jeopardised scientific findings and discoveries or contravened individual interests.

³ The appraisal committee may at its discretion include in its proposals formulated proposals, addressed to the Faculty or to the University Board of Directors, with regard to the imposition of sanctions against the respondent.

⁴ The appraisal committee may in addition make proposals to a Faculty or the University Board of Directors for measures relating to personnel and organisation that should reduce the risk of cases of research misconduct in the future.

⁵ The appraisal committee will notify its proposals, together with a statement of grounds, to the respondent, the Faculty, the University Board of Directors and any sponsoring institutions, and also the whistleblower, where there are reports of individual interests being contravened.

⁶ On the basis of the proposals submitted by the appraisal committee the University Board of Directors will make a declaratory ruling on whether there was reasonable justification for the conclusion of research misconduct. Furthermore, the University Board of Directors will take appropriate measures based on general legal principles.

V. EFFECTIVE DATE

Art. 16 These Regulations come into effect on 1 May 2007.

Bern, 27 March 2007

On behalf of the Senate of the
University of Bern:

sig.

Prof. Dr U. Würigler, Rector

Bern, 30 April 2007

Approved by the Ministry of Education
of Canton Bern:

sig.

Bernhard Pulver,
Executive Councillor