

Regulations concerning scientific integrity

The Senate of the University of Bern,

on the basis of Art. 36 para. 1 item b of the Act governing the University of 5 September 1996 (UniG) and Art. 38 of the Statute of the University of Bern of 7 June 2011 (UniSt),

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.

I. GENERAL PROVISIONS

Art. 1 ¹ These regulations apply to all persons who are studying, employed or otherwise engaged in scientific work at the University of Bern.

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 shall apply its own regulations. However, if the regulations of the faculty are not compatible with these regulations, the regulations included in this document shall 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 humans and animals.

Art. 2 ¹ Scientific integrity is understood as compliance with the rules of good scientific practice within the meaning of the following terms and conditions.

² Violations of scientific integrity will be dealt with and punished in accordance with these regulations.

³ The right to initiate criminal proceedings for violations of scientific integrity is reserved.

II. PRINCIPLES OF QUALITY IN SCIENTIFIC WORK

Art. 3 ¹ Quality in research should take precedence over quantitative aspects. In this respect, the originality of the questions asked, the significance of the conclusions, the accuracy of the primary data and the reliability of the findings should, as a matter of principle, be valued more highly than a rapid result and the number of publications.

² Compliance with the following principles in particular is fundamental to ensuring the quality of scientific work:

- a Especially for clinical trials, the research plan and any subsequent amendments are to be set out in writing and are to be easily understandable, also for third parties who may wish to review the research results. In basic research, details of experiments and progress of work are to be clearly reported.
- b The plan is to 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 possible participation of a sponsor in the research project.
- c If during planning, patenting of results is deemed possible, any interests in this respect are to be regulated during the planning phase in an agreement, which is to be signed by all participants. In this case, all participants refrain from publication until the patent application has been lodged. If the possibility of patenting only arises during the course of the project, such an agreement is concluded at that time.
- d The original experimental results ("primary data") must be fully, clearly and accurately documented to exclude any possibility of damage, loss or selective manipulation. All authorised persons should have easy access to these records. After a person leaves, it is determined whether he or she retains access to the primary data, and if so for what purpose.
- e Project participants inform each other of matters that may be relevant to the progress of the project. The only information disclosed to third parties is that which, in accordance with the research plan and with what has been agreed upon within the project group and with sponsors, may be communicated. After project completion and publication of results, 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 pending. In the event of research misconduct proceedings, the primary data is to be made available immediately to the Integrity Officer.
- f A person is listed as an author if he or she has personally made a significant scientific contribution to the planning, conduct, evaluation or monitoring of the research work. In case of doubt, the head of the research project decides whether a person is entitled to claim authorship. A management role within the research institution and/or financial and organisational support for the project does not entitle a person to claim authorship. There is no honorary authorship.

The head 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 were 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 allow the commissioning body to decide whether to consult another expert.

III. RESEARCH MISCONDUCT IN SCIENTIFIC WORK

Art. 4 Any contravention of the rules of good scientific practice is a violation of scientific integrity. This includes in particular any interference with the scientific knowledge process, conduct that is disingenuous or deceitful, or any other violation of interests deserving of protection in the context of scientific work.

Art. 5 The following practices in particular are deemed to contravene scientific integrity:

1. In particular in the drafting and publication of works:

- a* the representation of results of other people's work and findings as one's own, and/or the failure to disclose a source (plagiarism),
- b* the citation of opinions, theories and the like without disclosing their source,
- c* the misquotation, intentionally or through gross negligence, of extant third-party works or works that are allegedly by third parties,
- d* a claim of authorship without having made a significant contribution to the work,
- e* the omission and deliberate failure to mention persons involved in the project who have made a significant contribution to it; intentionally listing a person as a co-author if that person has not made a significant contribution,
- f* incorrect information about the publication status of one's own works.

2. In particular in acquiring scientific knowledge:

- a* the fabrication of research findings,
- b* the deliberate falsification of primary data, the false representation and deliberately misleading manipulation of research findings, and the exclusion of primary data without disclosing this fact and the reasons for it (falsification, manipulation),
- c* not observing the correct handling of primary data (cf. Art. 3 para. 2 item d)
- d* the disposal of stored primary data before the end of the prescribed storage period according to the relevant legal basis, 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* the refusal to allow properly authorised third parties to view the primary data,
- f* the non-disclosure of data sources,
- g* the copying and/or passing on of primary and other data without the consent of the responsible project leader (data piracy),
- h* the sabotage of research work carried out by other persons within or outside one's own research group, in particular by deliberately disposing of or rendering unusable research material, equipment, primary data and other records,
- i* the failure to disclose vested interests,
- k* the breaching of the duty of confidentiality (professional secrecy).

3. In the scientific evaluation of the performance of third parties:

- a* the deliberate non-disclosure of conflicts of interest,
- b* the breaching of the duty of confidentiality (professional secrecy),
- c* negligent or deliberately false assessments of projects, programmes or manuscripts,

d factually unsubstantiated assessments in order to procure benefits for oneself or for third parties.

IV. THE INTEGRITY OFFICER

Art. 6 ¹ The Senate appoints an Integrity Officer from current or former members of the University to handle reports of research misconduct.

² The term of office of the Integrity Officer shall be two years. It shall be extended by further two years in each case, unless the Integrity Officer resigns or a member of the Senate requests that the issue be placed on the agenda at least six months before the term of office expires.

³ The Integrity Officer is the point of contact for all matters relating to research misconduct.

⁴ The Integrity Officer is responsible for assessing reports of research misconduct, carrying out the appropriate assessments and managing the proceedings.

⁵ He or she ensures the prompt handling of the proceedings.

V. PROCEEDINGS

1. General principles

Art. 7 ¹ If there are indications of scientific misconduct at the University of Bern, they are investigated in accordance with these regulations.

² Investigations result independently (*ex officio*) or on the basis of a reported incident.

³ The Integrity Officer takes action independently if he or she is made aware of possible irregularities.

⁴ A report of research misconduct must be submitted to the Integrity Officer in writing, giving reasons. Art. 6 para. 3 continues to apply.

Art. 8 ¹ The purpose of the investigations is to establish whether or not violations of scientific integrity exist. In this respect, the incriminating and exonerating circumstances are investigated with equal care.

² If the suspicion of research misconduct is substantiated, the Integrity Officer undertakes any further investigations necessary. She or he informs the Rector accordingly.

³ If the suspicion of research misconduct is not substantiated, the matter is not taken further. The Integrity Officer informs the Rector accordingly, except in minor cases.

⁴ The Integrity Officer conducts investigations and/or initiates an inquiry within a maximum of 30 days from receipt of the report.

Art. 9 ¹ All persons involved in proceedings to assess integrity violations shall maintain confidentiality. The right to seek legal counsel is reserved.

² The University Board of Directors ensures that the person reporting the incident or any other persons involved in the proceedings are protected from possible reprisals or discrimination, especially if they are in a dependent relationship to the accused person.

³ The University Board of Directors decides on a possible announcement of the facts of the case and the findings.

⁴ The University Board of Directors, upon request, informs the person who made the allegation about the handling of the incident and about possible consequences.

⁵ The person making the allegation has no further rights than those referred to in this Article.

2. Conduct of the inquiry

Art. 10 ¹ The investigations are carried out by the Integrity Officer.

² The Integrity Officer may appoint an investigating committee if she or he deems this appropriate, in particular where there are grounds for suspecting serious violations of scientific integrity, or if the facts to be investigated are highly complex. Thereupon, the right to appoint an investigating committee remains reserved in accordance with Art. 13 para. 4.

Art. 11 ¹ In addition to the Integrity Officer, the investigating committee comprises two or more persons who have the corresponding specialist knowledge of the area to be investigated. The Integrity Officer acts as Chair.

² The committee members must not have any personal interest in the matter or have worked with the accused person.

³ After the investigating committee has been appointed, the accused person is advised of the composition of its members and given the opportunity to request the exclusion of individual members from the committee.

Art. 12 ¹ The individual procedural steps are to be documented. Written records of interviews are to be kept and are to be signed by all parties involved. All records are to be kept together in a case dossier and held on file by the Integrity Officer.

² The accused person may inspect the case files once the essential investigative measures have been carried out.

³ Inspection of the files may be restricted if there is reason to believe that the accused person is abusing his or her rights, or if this is necessary to preserve the interests of public or private confidentiality, in particular to protect the person who made the allegation.

Art. 13 ¹ Once the requisite inquiries have been carried out, the Integrity Officer or the investigating committee reports to the University Board of Directors accordingly.

² The report contains a substantiated evaluation of the case, in particular of the question on the extent to which and the reason(s) why the suspicion of scientific misconduct has been confirmed or disproved. Thereupon, the report may propose the imposition of sanctions or further measures.

³ If the Integrity Officer or the investigating committee are of the opinion that the person making the allegation has done so maliciously, this is also to be reported to the University Board of Directors. Thereupon, a proposal to impose sanctions or further measures may be made.

⁴ If the University Board of Directors is of the opinion that further investigative actions are necessary or that the appointment of an investigating committee is indicated, it will refer the matter back accordingly.

3. Assessment by the University Board of Directors

Art. 14 ¹ The University Board of Directors assesses the matter on the basis of the report submitted and by taking into account all the relevant circumstances.

² If University Board of Directors intends to make a ruling on the accused person, it gives the latter an opportunity to comment.

Art. 15 ¹ If the University Board of Directors concludes that the allegations are fully or partially substantiated, it decides on the imposition of sanctions and/or further measures.

² The sanctions or further measures are based on University and employment laws in the case of university employees, and on University laws in the case of students.

Art. 16 ¹ If the University Board of Directors decides that the allegations are unfounded, no further action is taken.

² If the University Board of Directors reaches the conclusion that the person making the allegation acted maliciously in reporting the incident, it decides on possible sanctions and measures against this person.

VI. EFFECTIVE DATE

Art. 17 These regulations come into effect on 1 May 2007.

Bern, 27 March 2007 /
16 October 2012 / 9 March 2021

On behalf of the Senate of the
University of Bern
The Rector:
Prof. Dr. Christian Leumann