

Internal procedure in cases of suspected scientific misconduct 23 March 2009

Based on the disciplinary procedure established by Art. 36 of the Ordinance on faculty and Art. 58 of the Ordinance for personnel in the EPF domain, and the ethical charter of the EPFL;

The Direction of the EPFL decides:

Preamble:

Intellectual integrity and scientific probity form the core of the values shared and transmitted by members of the EPFL community. In order to preserve and enhance this asset, the Direction of the EPFL decides:

- to assign a mission of information and education to the Research Commission, primarily directed at those destined to become the scientists of tomorrow¹ ;
- to provide the EPFL with an appropriate internal procedure for confronting and dealing rapidly with any allegations of scientific misconduct on the part of a member, or group of members, of the EPFL community.

This procedure, based on existing legislation, is in line with the recommendations of the Swiss Academy of Sciences published in "Integrity in scientific research: Principles and procedures" (ISBN 978-3-905870-06-0, 2008), and must fulfill the following requirements :

- protect the personality and rights of the parties concerned until the conclusion of any procedure in progress and the implementation of any ensuing decisions;
- provide, if necessary, clear and detailed answers to the authorities, public and private bodies supporting research, the scientific community and the general public.

Art. 1 Sphere of application

The present procedure is applicable to teaching staff, PhD candidates, scientific staff, students associated with a research group, guests associated with a group and its research activities.

Co-responsibility to scientific misconduct may also originate from the participation to, or just the knowledge about misconduct by members of another research institution, in particular in the case of the contribution to a common publication.

¹ The research Commission has edited a booklet containing guidelines for proper behavior in research: « Guidelines for Research Integrity and Good Scientific Practice at the EPFL ». Copies of this booklet will be distributed to all new members of EPFL and can be ordered at the RC, or downloaded from the web site: <http://vpaa.epfl.ch/RC> .

Art. 2 Definition

The term scientific misconduct is used to define the act of intentionally deceiving a recipient, the public or the scientific community, during the utilization, circulation and publication of ideas, concepts, theories, methods or experimental data. There is no exclusive or exhaustive description of all the acts that may be carried out for this purpose. It may involve specific acts, or the combination of acts, such as:

- the fabrication or intentional falsification of experimental results and other material proof ;
- the selective and biased use of experimental data ;
- the improper use, even the mere copying, of texts, ideas, concepts, theories, methods or experimental data originating from other persons, in the absence of their formal permission or explicit references to the latter.
- the knowledge of scientific misconduct by others, in particular the fact of being a co-author on a publication containing falsified data.

For a complete list of possible cases of misconduct, one may refer to the guidelines published by the Swiss Academy of Sciences: "*Integrity in scientific research: Principles and procedures*" (ISBN : 978-3-905870-06-0, 2008).

Art. 3 Denunciation

Any individual or legal entity may make a denunciation for scientific misconduct on the part of a member, or group of members, of the EPFL community. The denunciation, together with a statement of the grounds on which it is based, should be sent to the Ombudsperson of the EPFL. The Ombudsperson is nominated for 4 years by the direction of EPFL. He (she) is a personality outside EPFL, with a profound knowledge of scientific academic institutions.

The whole procedure will be carried out in such a way as to guarantee confidentiality insofar as all the documents concerned remain under the control of the EPFL.

Art. 4 Admissibility of a denunciation

Upon receipt of a denunciation, the Ombudsperson of the EPFL examines its admissibility:

- 4.1 Should the denunciation be considered inadmissible, he/she informs the author to this effect, detailing the motives of the decision and the possible appeal procedures.
- 4.2 Should the denunciation be considered admissible, he/she forwards the dossier to the Chairman of the Research Commission and the general counsel of EPFL for expert appraisal.
- 4.3 Would the Chairman of the Research Commission be involved, the file will be transmitted directly to the President of the EPFL.

Art. 5 Missions of the Research Commission (RC) Chairman

The Chairman of the RC has the following missions:

- 5.1 Collect within a period of approximately two months the objective elements to determine whether a formal inquiry should be opened.
- 5.2 Write a report on this basis addressed to the President and the ombudsperson of the EPFL, proposing how the matter should be followed up, whether by:
 - 5.2.1 the closure of the dossier in the absence of any element justifying the maintenance of the denunciation and continuation of the procedure ;
 - 5.2.2 the opening of the formal inquiry justified by the conclusions of the report ;
 - 5.2.3 any measure or decision justified by the facts as revealed by the report and admitted by the implicated party.
- 5.3 He/She informs, if necessary and in strict confidence, any third party (individual or organization) concerned because they have participated in the work formally called into question, contributed to its financing, or been responsible for the utilization or publication of the results.
- 5.4 Would a member of the EPFL Direction be involved, the file will be directly transmitted to the CEPF.

Art. 6 Commission of Inquiry

Based on the expert appraisal of the Chairman of the Research Commission, or if the situation requires it, the President of the EPFL may decide to open a formal inquiry and to set up a Commission of Inquiry:

- 6.1 the President of the EPFL appoints the Chairman of the Commission of Inquiry, responsible for leading the inquiry and the discussions ;
- 6.2 the Direction of the EPFL appoints the members of the Commission of Inquiry;
- 6.3 the Commission of Inquiry is free to organize itself and takes all the necessary steps to establish the facts ;
- 6.4 the Commission of Inquiry should submit its report to the President of the EPFL within the shortest possible delay, and in principle within a maximum of six months.

Art. 7 Decisions and sanctions

The Direction of the EPFL takes all the measures or decisions justified by the facts established following the expert appraisal of the Commission of Inquiry or at the conclusion of the formal inquiry.

The sanctions are laid down particularly by the legislation concerning personnel; these range from a warning to termination of the employment contract.

Art. 8 Supplementary law applicable

The present Directive constitutes a supplement to existing federal legislation on federal administrative procedure (LPA) (RS: 172.021).

Art. 9 Appeal

The appeal procedure is laid down in the law on EPFs Art. 37 (RS 414.414) and will be recalled in the decision.

Art. 10 Schematic representation of the procedure

See page 5.

Art. 11 Coming into force

The present procedure comes into force 23 March 2009.

The President:

The General Counsel:

P. Aebischer

S. Killias

Responsibility for assurance of Scientific integrity

Advice,
Pre-checking of allegations.
In case of suspicion of misconduct: → initiation of the procedure

Management of the procedure

In case of minor infractions

Set up of a Commission of Inquiry

Establishment of the facts

Decision, possibly after discussion with the Commission of Inquiry.
Proposal for measures of a personnel or organisational nature.

Notification of the decision, together with the Chairman of the Research Commission, to all concerned.

