

Rules of Procedure for the investigation into cases of suspected breach of research integrity at PSI

Übersetzung der

Verfahrensordnung bei vermuteter Verletzung der Integrität in der Forschung am PSI

These rules of procedure are valid for all research institutions in the ETH-domain: PSI, Empa, Eawag und WSL.

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This is the English translation of the “Verfahrensordnung bei vermuteter Verletzung der Integrität in der Forschung am PSI” and is provided for reference and understanding only. The German version of this document is legally binding.

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Reference to content

The document “Research Integrity at PSI” defines the binding guidelines for our scientific work.¹

Article 1 Scope of the Rules of Procedure

- 1 In case a violation of the guidelines on “Research Integrity at PSI” is suspected, the procedure for investigation of the suspected violation shall be governed by these Rules of Procedure and, in addition, by the Federal Act on Administrative Procedure of 20 December 1968 (SR 172.021).
- 2 Any sanctions in connection with a violation of the guidelines on "Research Integrity at PSI" shall be governed as follows:
 - a. for scientific and technical staff of PSI according to the Personnel Law (BPG/PVO-ETH),²
 - b. for employees without a PSI employment contract, guest scientists, bachelor and master students) by their employer or university in accordance with their respective law.

Article 2 Misconduct in research

A misconduct is deemed to have occurred, if the rules of good scientific practice, as detailed in the guidelines “Research Integrity at PSI”, are violated. Co-responsibility exists in the case of active participation in violations by others and gross neglect of the direct and institutional duty of supervision.

Article 3 Trusted Intermediary

- 1 The Trusted Intermediary³ is appointed by the Director. He/she shall be available to advise, support and mediate with and for researchers on issues relating to research integrity and good scientific practice. In addition, he/she may receive reports of legally or ethically incorrect conduct and forward them to the competent authority.
- 2 If, in connection with a consultation, the Trusted Intermediary establishes a suspicion of research misconduct, he or she shall consult the person seeking advice as to whether a report of suspected research misconduct should be made to the Director.

- 3 A report of suspected research misconduct that is made directly to the Trusted Intermediary or to another department at PSI must be forwarded to the Director.

Article 4 Preliminary examination and initiation of proceedings

- 1 If a suspicion of misconduct is brought to the attention of the Director, the Director may arrange for a preliminary investigation to be conducted by an internal or external expert on the basis of the documents and information submitted.

This preliminary examination is not part of the procedure and serves only to clarify whether the suspicion raised justifies an investigation procedure.

- 2 The Director shall decide whether to initiate an investigation procedure.
- 3 The Director shall inform the accused person of the initiation of an investigation procedure.
- 4 The Director shall inform the notifying person⁴ of his or her decision to open an investigation procedure, provided that the notifying person is affected by the decision and has a legitimate reason for being informed.
- 5 If deemed necessary, the Director may provide appropriate information about the initiation of an investigation procedure.

Article 5 Investigation Commission

- 1 After the initiation of an investigation procedure, the investigation shall be conducted exclusively by the investigation commission.
- 2 The Director shall decide on the composition of the investigation commission and its chairperson on a case-by-case basis. Members of the investigation commission are in any case:
 - a. the chairperson of the investigation commission,
 - b. an expert from PSI,
 - c. an external expert.

The Director may expand the investigation commission by additional persons (e.g. a lawyer or other experts).

- 3 The accused person must be informed about the composition of the investigation commission at the beginning of the investigation procedure. The accused person shall be given the opportunity to submit in writing, justified requests for the recusal of specific commission members due to bias or conflicts of interest. The Director shall decide on such requests.
- 4 The members of the investigation commission are obliged to maintain confidentiality about the procedure and the associated investigations.

- 5 The investigation commission shall carry out the necessary investigations. It shall give the accused person the opportunity to inspect the files, to comment on the accusations, to submit evidence and to submit requests for evidence.
- 6 The investigation commission shall summarise the results of its investigation and its assessment of whether misconduct has occurred in a written report. The accused person shall have the right to inspect this report before it is forwarded to the Director and to attach written comments. The investigation commission shall forward the whole investigation file to the Director, together with the report and written comments of the accused person.

Article 6 Decision

- 1 The Director shall decide on further action on the basis of the report, the investigation files and the personal hearing of the accused person.
- 2 If new considerations emerge, the Director may initiate further investigations and supplement the investigation file accordingly.
- 3 The Director shall inform the accused person of his or her decision of the case, together with an explanation.
- 4 The Director shall initiate any sanctions based on the applicable legal provisions (in particular BPG and PVO) and taking into account the institutional responsibilities.
- 5 The notifying person shall be informed about the conclusion of the proceedings in an appropriate manner provided they have a legitimate reason for being informed.
- 6 The Director's decision must be published in an appropriate form if the initiation of the investigation has already been announced. It must also be published in an appropriate form if the accused person so requests.

Article 7 Closing of the procedure

- 1 If the Director discontinues the procedure, he/she shall record the reasons for the discontinuation in the decision.
- 2 At the request of the accused person, the discontinuation of the procedure must be communicated in an appropriate manner.

Article 8 General procedural provisions

- 1 **Duration:** The procedure must be appropriate to the individual case, but shall be completed as quickly as possible. The Director shall determine the timeframe when the investigation commission is appointed.
- 2 **Documentation:** Written minutes are kept of the individual procedural steps. The files must be kept for at least 10 years after the conclusion of the procedure.

- 3 Protection of personality: In principle, the protection of personal privacy applies throughout the entire procedure.
- a. a. The Director may provide information on the results and decisions of the procedure in an appropriate manner. He/she decides on the time, form, content and the group of addressees, i.e. parties to the proceedings, other persons affected by the proceedings (e.g. the notifying person), third parties (e.g. superiors, employees) or the public. The Director makes his/her decision by taking into account the protection of the privacy and the interests of the persons involved, the institution and the public.
 - b. The Director shall protect the notifying person against reprisals or discrimination, in particular if the notifying person is in a relationship of dependency with the accused person. Reprisals or discrimination will be sanctioned as infringements of the guidelines "Research Integrity at PSI".

Article 9 Issue an injunction

If no agreement can be reached in the event of a dispute regarding compliance with the guidelines on "Research Integrity at PSI", the Director shall issue an injunction.

Article 10 Criminal liability

- 1 If, in the case of serious research misconduct the act of committing an offence under federal or cantonal criminal law also comes into consideration, PSI shall file a complaint.
- 2 Art. 58b PVO applies to employees of the PSI.
- 3 Anyone who knowingly falsely accuses a person of research misconduct will be subject to measures under personnel and/or criminal law.

Article 11 Entry into force

These Rules of Procedure shall enter into force on 1 August 2020.⁵

Notes

- 1 The guidelines "Research Integrity at PSI" are part of the PSI employment contract.
- 2 Personnel law (BPG / PVO)

All PSI employees are subject to the Federal Personnel Act (BPG, SR 172.220.1), which regulates, among other things, the sanctions in the event of violation of obligations under labour law (Art. 25). For PSI and the other institutions of the ETH Domain, the Personnel Ordinance for the Federal Institutes of Technology (PVO, SR 172.220.113) also applies. Art. 9 regulates the protection of personal privacy and Art. 58 the violation of obligations under labour law. All PSI employees have access to the PVO.

- 3 A Trusted Intermediary is an independent, internal and/or external expert who is familiar with the circumstances of research at PSI and who can be contacted in the event of research-specific matters and conflicts. He or she can be entrusted as an expert with the preliminary examination as defined in Art. 4, provided that he or she has not already been appointed as the Trusted Intermediary for the case in question.
- 4 A notifying person is a person who has reported a suspected violation of the guidelines "Research Integrity at PSI". He or she has no party status in an investigation procedure. Confidentiality applies for the investigation procedure.
- 5 Revisions to the Rules of Procedure will be published internally at PSI in an appropriate form and posted on the PSI intranet site.

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