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## Regulations on scientific misconduct (Research Integrity Regulations, RI Regulations)

of 12 July 2016

The Research Council

based on Article 12 of the Research and Innovation Promotion Act<sup>1</sup> and Articles 15, 43 and 48 of the Regulations of the Swiss National Science Foundation on research grants (Funding Regulations<sup>2</sup>)

issues the following Regulations:

### Chapter 1 General provisions

#### Article 1 Subject and scope

<sup>1</sup> These Regulations govern the conditions and procedure for the investigation and sanctioning of breaches of good scientific practice (scientific misconduct) in connection with the application for or use of SNSF grants.

<sup>2</sup> It applies to applicants, grantees and project partners (hereinafter: the parties concerned).

#### Article 2 Scientific misconduct

<sup>1</sup> The following actions, whether intentional or due to negligence, are deemed to constitute scientific misconduct:

- a. Drafting research results and insights gained by third parties under one's own name (plagiarism);
- b. providing information that is false and manipulating data;
- c. violating the intellectual property rights of others or otherwise compromising their research activity;
- d. breaching the rules of scientific integrity and good scientific practice in some other way.

<sup>2</sup> Scientific misconduct in connection with the applications for and use of SNSF grants can occur in different constellations. A non-exhaustive list of types of scientific misconduct can be found in Annex I.

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<sup>1</sup> SR 420.1

<sup>2</sup> Regulations of the Swiss National Science Foundation on research grants of 27 February 2015, source: [www.snsf.ch](http://www.snsf.ch)  
> Funding > Documents & downloads

<sup>3</sup> Scientific misconduct is also deemed to have been committed by persons who are complicit in such misconduct. Complicity may arise from the participation of the parties concerned pursuant to Article 1 and Article 2 in violations committed by others, knowledge of another person's falsifications or manipulation, co-authorship of a publication containing manipulated data, concealment of scientific misconduct or negligence or misconduct in carrying out a duty of supervision.

## **Chapter 2 Prerequisite for proceedings, responsibilities**

### **Article 3 Prerequisite for proceedings**

Proceedings as described in the following provisions are only conducted if the scientific misconduct is linked to the application for or use of SNSF grants.

### **Article 4 Suspension due to proceedings or sanctions initiated on grounds of scientific misconduct**

<sup>1</sup> If proceedings initiated by the SNSF or a third party against the parties concerned pursuant to Article 1 paragraph 2 are still pending, or if any corresponding sanctions have been imposed or are currently in effect due to suspected scientific misconduct, the SNSF may suspend the application procedure or the grant (Article 15 paragraph 5 of the Funding Regulations).

<sup>2</sup> The SNSF may continue to evaluate applications despite suspicions of scientific misconduct if, in the event of the suspicions not being confirmed, any one-time, unrepeatable evaluation phases would otherwise be missed or if a suspension would be disproportionate in the given circumstances.

<sup>3</sup> The suspension lasts until the proceedings have been concluded and/or sanctions have been lifted.

<sup>4</sup> The SNSF may of its own volition, or in response to a request, waive or lift the suspension if the suspicions of scientific misconduct prove to be manifestly unfounded. The person concerned may at any time submit a written statement to the SNSF in which they explain why the suspicions of scientific misconduct are unfounded.

### **Article 5 Principle of primary responsibility of the research institution**

<sup>1</sup> Proceedings in cases of suspected scientific misconduct in the use of SNSF grants are primarily the responsibility of the research institution where the misconduct allegedly took place.

<sup>2</sup> The SNSF may postpone its own investigation until such time as the result of the investigation by the responsible research institution is available.

<sup>3</sup> After learning of the results of the investigation conducted by the research institution concerned, the SNSF may decide not to carry out its own investigation. If the results of the proceedings conducted by the responsible institution are unsatisfactory with regard to aspects relevant to the SNSF, the SNSF generally conducts its own proceedings. In doing so, it may rely on the results of the investigation by the institution in order to determine the facts of the case.

<sup>4</sup> Where, pursuant to paragraph 3, the SNSF decides not to carry out its own investigation, it may, taking into account the findings or results of the investigation by the responsible institution, conduct proceedings due to contravention of the Funding Regulations or of other provisions applicable to the application or the grant and impose sanctions based on said Funding Regulations.

<sup>5</sup> Decisions regarding the postponement of the investigation pursuant to paragraph 2 or regarding a waiver pursuant to paragraph 3 are made by the Commission on Research Integrity<sup>3</sup> (hereinafter: the Commission). Decisions regarding sanctions due to contravention of the SNSF's provisions are made by the Research Council.

## **Chapter 3 Proceedings**

### **Article 6 Investigation**

<sup>1</sup> In the event of any suspicions of scientific misconduct and provided the prerequisites for proceedings are met, the Commission will conduct an investigation.

<sup>2</sup> The commission may enlist the help of internal and external experts.

<sup>3</sup> Within the scope of statutory provisions, it may obtain information from affected institutions or persons in Switzerland and abroad, and it may in turn provide information to such institutions or persons.

<sup>4</sup> In exceptional cases, the Commission may decide not to launch an investigation as this would be a disproportionate measure in the given circumstances, particularly if the main responsibility for the alleged scientific misconduct lies with third parties.

### **Article 7 Results of the investigation, decision or recommendation of the Commission**

<sup>1</sup> The Commission will acknowledge the results of the investigation and arrive at the following findings and decisions:

- a. In the absence of any scientific misconduct pursuant to Article 2, it will discontinue the proceedings. The discontinuation of proceedings must be made public in an appropriate manner at the request of the accused party.
- b. If scientific misconduct is deemed to have occurred pursuant to Article 2, the Commission will file a report that includes a recommendation for the attention of the Presiding Board of the Research Council. Any finding of scientific misconduct is binding on the Presiding Board.

<sup>2</sup> The Commission will submit the report to the Presiding Board together with a recommendation on:

- a. the nature and scope of sanctions;
- b. whether the decision is to be made public;
- c. whether the employer institution is to be informed about the decision.

### **Article 8 Decision by the Presiding Board of the Research Council**

<sup>1</sup> If scientific misconduct is deemed to have occurred, the Presiding Board of the Research Council will make a decision regarding the legal consequences of the proceedings. It is not obliged to adopt the Commission's recommendation.

<sup>2</sup> The imposed sanctions must be proportionate and in particular must reflect the seriousness of the breach and the extent of any losses or damage caused. If these criteria are met only marginally, the SNSF may make an exception and refrain from imposing sanctions.

<sup>3</sup> The Presiding Board of the Research Council may impose the following sanctions individually or cumulatively (Article 43 Funding Regulations):

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<sup>3</sup> Regulations of the Commission on Research Integrity of

- a. a written reprimand;
- b. a written warning;
- c. reduction, termination or reclaim of funding;
- d. exclusion from any further applications for a limited period.

<sup>4</sup>The maximum period for the exclusion from applications is five years.

<sup>5</sup>The Presiding Board of the Research Council decides whether the employer institution should be informed. If applicable, the information is conveyed by the President of the Research Council.

<sup>6</sup>The decision is communicated to the parties concerned in the form of an appealable ruling that includes the reasons for the decision.

## **Article 9            Procedural provisions**

<sup>1</sup> The Commission respects the procedural principles of a fair hearing for the accused party, of access to documents, as well as of the right to submit evidence and applications to produce evidence.

<sup>2</sup> The accused party will be informed of the composition of the Commission and is entitled to submit recusal requests.

<sup>3</sup> The individual stages of the procedure are recorded in written minutes.

<sup>4</sup> The procedure is confidential.

## **Chapter 4        Right of appeal, informers**

### **Article 10        Appeal**

Rulings based on these Regulations are appealable before the Federal Administrative Court within 30 days of receiving the ruling.

### **Article 11        Informers**

<sup>1</sup> Subject to paragraph 3, persons who report scientific misconduct to the SNSF (informers) have a right of confidentiality.

<sup>2</sup> Informers have no party rights and no right to be informed about the outcome of the proceedings.

<sup>3</sup> Should the SNSF receive a report that is clearly unjustified or submitted against the informer's better judgement, the SNSF will inform the person concerned about the report and the person that submitted it.

## **Chapter 5        Final Provisions**

### **Article 12        Repeal of existing regulations**

These Regulations replace the Regulations of the National Research Council on the treatment of scientific misconduct by applicants and grantees of 17 September 2013.

### **Article 13        Entry into force**

These Regulations enter into force on 1 September 2016.

## Annex I

### 1. Constellations of scientific misconduct<sup>4</sup>

- a. Drafting research results and insights gained by third parties under one's own name (plagiarism), cf. no. 2 below;
- b. Incorrect information regarding the authorship of publications, cf. no. 3 below;
- c. Invention of research results;
- d. Manipulation of data;
- e. Incorrect or embellished representation of research results;
- f. Arbitrary emphases of data;
- g. Concealment of the sources of data;
- h. Copying of data without the permission of the responsible person for purposes not related to the project;
- i. Damaging and obstructing the research work of others, within or outside one's own research group;
- j. Violating duties of confidentiality;
- k. Neglecting duties of supervision;
- l. Eliminating data and materials before expiry of the statutory period of retention of records;
- m. Claiming authorship without making a significant contribution to the research work;
- n. Deliberately making no mention of participants who have made significant contributions to a project; intentionally naming as co-author a person who has not made any significant contribution;
- o. Misquoting existing or alleged works of others;
- p. Providing incorrect information on the publication status of one's own work (e.g. "publication in press" when the manuscript has not yet been accepted).

### 2. Plagiarism

<sup>1</sup> The following activities, among others, can be deemed to constitute plagiarism (non-exhaustive list):

- a. Submitting the work of others under one's own name;
- b. Translating foreign-language texts without indicating the source;
- c. Copying passages from the work of others without citing the source. This includes downloading and using passages from the internet or from previous applications without citing the source;
- d. Copying passages from the work(s) of others with minor textual adjustments or changes, but without citing the source;
- e. Copying passages from the work of others and naming the source only at the end of one's text rather than directly in the context of the copied passage(s).

<sup>2</sup> Plagiarism can be deemed to have occurred regardless of whether it was wilful or due to negligence.

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<sup>4</sup> The list is based on the publication "Scientific Integrity" of the Swiss Academies of Arts and Sciences, Berne 2008, p. 16 ff., no. 4.

<sup>3</sup> Plagiarism can be deemed to have occurred regardless of whether the copied research results and insights are protected by copyright.

<sup>4</sup> A trivial case can be deemed to have occurred if

- a. only a few citations are missing;
- b. only a small amount of text is uncited compared to the entire text; or
- c. the content of the uncited text is of a general nature or concerns the state of research.

### **3. Incorrect information in the publication list**

<sup>1</sup> The publication list can be deemed to contain incorrect information if

- a. the order of authorship in the publication list is not identical with the order of authorship in the publication;
- b. authors mentioned in the publication are omitted in the publication list;
- c. information on collaboration of equal value by other authors included in the publication is omitted in the publication list;
- d. the publication list includes publications of which the applicant is neither the author nor a co-author.

<sup>2</sup> Incorrect data in the publication list can be deemed trivial if it is isolated and insignificant.