



Regulations on Scientific Integrity at Bern University of Applied Sciences (WissIR)

The University Board of Bern University of Applied Sciences,

based on Article 60a of the Bern University of Applied Sciences Act (FaG)¹ of 19 June 2003 and Articles 98 to 101 of the Ordinance on Bern University of Applied Sciences (FaV)² of 16 November 2022

has adopted the following provisions:

1. General

Object	<p>Art. 1 ¹ These Regulations govern the principles of scientific integrity as well as the procedure to follow in the event of violations of scientific integrity.</p> <p>These Regulations are based on the Code of Conduct for Scientific Integrity of the Swiss Academies of Arts and Sciences³. This Code of Conduct may be consulted in the interpretation of these Regulations.</p>
Scope of application	<p>Art. 2 ¹ These regulations apply to</p> <ul style="list-style-type: none">a all members of Bern University of Applied Sciences (cf. Article 10 FaG),b students on continuing education programmes andc all other persons pursuing scientific work at Bern University of Applied Sciences. <p>² These Regulations do not apply to questions of the political expediency of research projects or to ethical questions arising in connection with research projects on humans and the environment.</p>
Terms	<p>Art. 3 The terms used below are to be understood as follows:</p> <ul style="list-style-type: none">d Violations of scientific integrity are scientific misconduct (cf. Section 5.1 Code of Conduct).e Scientists are persons who are employed by or pursue scientific work for BFH.f Project Managers are persons who are responsible for the operational management of a research project in which BFH is involved, or who are designated as responsible for the project vis-à-vis BFH and third parties, in particular applicants for SNSF projects.g Third-party funding: The definition is based on Article 8 of the Financial Regulations of Bern University of Applied Sciences of 19 September 2018 (FinR).
	<h2>2. Basic principles</h2>
Freedom of research	<p>Art. 4 Researchers are free to choose their research goals and methods within the framework of the applicable disciplinary guidelines, of the content-related strategic orientation of the relevant research units and</p>

¹ BSG 435.411.

² BSG 436.811

³ First edition 2021, published on 11 May 2021, hereinafter Code of Conduct.

of the scope of their employment contract. They also observe the ethical boundaries of research freedom.

Transparency and openness

Art. 5 Science is based on the procurement and exchange of knowledge, which is presented in a comprehensible form for this purpose and must withstand critical scrutiny. Transparency and openness both within the scientific community and towards society are key to good science with integrity.

Social responsibility

Art. 6 Scientists are aware of the social context of their actions. They reflect on the possible consequences of their activities for society, culture and the environment and are prepared to participate in discussions with the public.

Application-oriented research and teaching

Art. 7 As a learning and developing institution and in the spirit of good scientific practice, BFH strives to combine research with teaching, continuing education and the provision of services in an application-oriented manner.

3. Implementation of the basic principles

3.1 Research

Compliance with statutory and institutional provisions

Art. 8 ¹ Scientists shall comply with applicable statutory provisions as well as with any other requirements and directives issued by BFH or any funding organisations.

² In particular, researchers shall take into account the Human Research Act and the statutory provisions on data protection.

Duties of those responsible for the project

Art. 9 ¹ Project managers take an active role in guiding and developing young researchers.

² They shall ensure that all project participants are aware of these regulations and other guidelines and regulations specific to the discipline, School or project.

Rights in third-party-funded projects

Art. 10 ¹ In the case of research projects co-financed by third-party funds, the rights to the results are contractually agreed between the project partners before the official start of the project.

² Agreements that deviate from the Intellectual Property Policy of Bern University of Applied Sciences of 16 November 2022 must be objectively justifiable.

Conflicts of interest

Art. 11 ¹ All scientists are obliged to clarify possible conflicts of interest in advance of a project.

² They shall disclose conflicts of interest, whether related to the content or of a personal nature, to the project leaders, project partners and funding organisations as well as to the research leaders of the participating Schools.

² The above-mentioned bodies are responsible for dealing with declared conflicts of interest.

3.2 Data management and transparency

Survey and documentation

Art. 12 ¹ Within the context of the discipline-specific regulations or practices, researchers bear responsibility for the accuracy of the data they gather.

² They document all procedural steps in dealing with the primary data (statistical analyses, transformations, coding, etc.) in a form adapted to the respective subject area.

³ They ensure that the quality criteria of the research methodology used are applied when handling the primary data.

Storage

Art. 13 ¹ Researchers shall store data in a form that guarantees secure access in the event of subsequent use or review.

² Where access to data is restricted to a certain group of persons, the data must be marked as such and stored appropriately.

Data Lifecycle Management

Art. 14 ¹ Project managers are responsible for data management along the entire life cycle of the data.

² They shall ensure that data and materials are retained after completion of the project for the relevant period for the subject area and, if necessary, are properly destroyed within the legally prescribed period.

3.3 Scientific publications

Publication practice

Art. 15 ¹ Scientists shall make results available to the public, provided there is no legitimate interest in confidentiality or contractual obligations that prohibit this.

² After publication, third parties who wish to repeat and verify the scientific investigations shall be provided, on request, with the information necessary to reproduce the results, provided there is no legitimate interest in confidentiality or contractual obligations that prohibit this.

Open Access

Art. 16 ¹ Researchers categorically publish their work according to Open Access principles.

² They enter their scientific work in the BFH Repository, whereby the specifications defined in BFH's Open Access Policy must be adhered to.

Integral publication

Art. 17 Results are always published as an integral publication. It is not permitted to publish a publication in multiple separate parts in order to achieve a larger number of published titles.

Naming of authors

Art. 18 ¹ In the scientific publications, all persons are named as authors who made a significant scientific contribution to the planning, implementation, checking or evaluation of the research work, who were involved in the preparation of the manuscript or who approved the final version of the manuscript.

² When there is more than one author, the order in which the authors are listed should be guided by the value of their contributions and is subject to discipline-specific rules or practices on the role of the first and last author.

³ If a different order is chosen, it must be identified by means of appropriate remarks.

Vested interests and financing	Art. 19 In their scientific publications, scientists shall transparently disclose relevant vested interests and sources of funding for the corresponding research mandate.
Responsibility for content	Art. 20 All persons involved in a publication are responsible for its accuracy.

3.4 Expert opinions

Provision of expert opinions	Art. 21 ¹ Scientists may provide an expert opinion in third-party funding, peer review, selection procedures and other evaluations, subject to compliance with Article 22.
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² They shall treat all information to be reviewed as confidential and shall not use such information for their own work.

³ Expert opinions are written in an unbiased, technically sound and constructive manner and to schedule.

Bias	Art. 22 ¹ Requests for the peer review of scientific papers must be refused if they <ul style="list-style-type: none"> <i>a</i> are in direct economic competition (for example, for funding or employment) with the reviewer's own work, <i>b</i> involve work by persons with whom the person performing the review has a particularly friendly or hostile relationship, or is closely related by blood or marriage, or <i>c</i> involve work by persons on whom the assessor is economically, socially, hierarchically or otherwise dependent.
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² Any existing conflict of interest must be disclosed to the person that requested the review to enable the request to be withdrawn.

4. Scientific misconduct

Falsification of results	Art. 23 Scientists must not falsify, fabricate, embellish, conceal or otherwise manipulate results in favour of a desired outcome.
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Misrepresentation	Art. 24 ¹ Scientists and scholars may not present results, ideas, data and other services as their own work if these have been provided by third parties.
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² This includes in particular:

- a* Using other people's work, ideas or formulations without giving proper credit to the original source,
- b* Using other people's work with slight adaptations or translations without giving proper credit to the original source;
- c* Reusing substantial parts of one's own work from scientific publications and research proposals without correct indication of the source;
- d* Reusing co-authored publications without proper acknowledgement of the source;
- e* Claiming authorship or co-authorship without having made a significant contribution to the work;
- f* Failing to mention persons whose scientific work has made a significant contribution to the publication or disparaging their contribution;
- g* Giving a sequence of authorship that does not adequately reflect the extent of each person's contribution;

- h* Providing information in publication lists that deviates from the actual published information or is misleading;
- i* Giving false or misleading information about the publication status of one's own work;
- j* Writing scientific opinions without relevant knowledge of a narrow subject area;
- k* Writing scientific opinions and peer reviews that are not well informed, factual, or appropriate;
- l* Failing to disclose conflicts of interest or other potential sources of bias,
- m* Unauthorised use or disclosure of confidential information obtained from material being reviewed;
- n* Misappropriating intellectual property from material being reviewed.

³This also applies to the false attribution of contributions by another person in expert opinions and to the listing of persons as authors in scientific publications who have not made a significant contribution.

Data management

Art. 25 ¹ Scientists shall handle with due care all data that they have collected or used in the course of their work.

²Scientific misconduct in the handling of data shall be deemed to have occurred if:

- a* Data and data sources are omitted, withheld or provided in inadequate form;
- b* Personal data is obtained or processed without having obtained informed consent;
- c* Data is copied, used or passed on without the necessary authorisation;
- d* Data is insufficiently pseudonymised or anonymised;
- e* Data is stored improperly;
- f* Obligations to retain or destroy data or materials are violated;
- g* A violation of disclosure obligations occurs with respect to data;
- h* Authorised persons are denied access to or prevented from examining data and results;
- i* Third parties are denied access to data and results without justification.

Use of funds

Art. 26 Scientists shall use the available resources in a cost-conscious and expedient manner.

Obfuscation and allegations

Art. 27 ¹ Scientific misconduct may not be concealed or otherwise protected by manipulation of data or correspondence.

²The improper allegation of scientific misconduct, namely without justifiable cause for reasons of hostility, to damage the person's reputation, to boost the accuser's own reputation or for the benefit of third parties, shall be considered scientific misconduct.

³Taking measures to conceal personal misconduct shall be considered serious misconduct.

Other misconduct

Art. 28 ¹Other conduct contrary to good morals and customs in the scientific context as well as violations described in the Code of Conduct may also constitute misconduct as defined by these Regulations.

Notification requirement

Art. 29 ¹ Members of BFH are required to report scientific misconduct known to them to the Scientific Integrity Panel (Article 30).

² Persons who report scientific misconduct must not experience any retaliation for doing so.

5. Procedure in cases of scientific misconduct

Scientific Integrity Panel
1. Assignment and composition

Art. 30 ¹ The Vice-Presidents' Office Research, the Vice-Presidents' Office Teaching or both shall be jointly responsible for conducting investigations into scientific misconduct.

² An investigation is triggered by the reporting of suspected misconduct to the Vice-Presidents' Office Research or to the Vice-Presidents' Office Teaching.

³ The Vice-President concerned shall appoint an ad hoc Panel for the investigation. Depending on the situation, this may include the other Vice-President, representatives of the Legal Services, heads of teaching or research of the School(s) concerned and any other experts.

⁴ The head of the School or Schools concerned shall be informed of or involved in the investigation.

⁵ The appointed Panel organises itself.

2. Working methods and procedures

Art. 31 ¹ If there is scientific misconduct or the suspicion of scientific misconduct, the Panel shall make its initial evaluation and take steps to secure the evidence.

² The Panel shall conduct its investigation in a timely manner.

³ If a suspicion is found to have substance, the Panel shall notify the accused person and the President.

⁴ The Panel shall allow the accused person to comment on the allegations and findings of the investigation, to submit evidence, and to request that further investigations are carried out into the matter.

⁵ If the Panel determines that scientific misconduct has taken place, it shall request a confirmation of this from the President, accompanied by a recommendation on the type and extent of sanctions to be applied. If it is a minor incident of scientific misconduct, the case may be handed over to the line manager instead.

⁶ If the panel does not discover any scientific misconduct, it shall discontinue the proceedings and inform the accused person and the President.

⁷ In this case, the accused person may request that anyone with knowledge of the accusation be informed in an appropriate manner of the outcome of the investigation.

Decision

Art. 32 At the request of the Panel or the line manager, the President shall pronounce a verdict on whether scientific misconduct has occurred. In the case of plagiarism by students, the right is reserved to apply Article 40 ff.

Penalties on a case-by-case basis

Art. 33 In the event of scientific misconduct, sanctions will be taken in accordance with the principle of proportionality, i.e. appropriate to the individual case, depending on the extent of the misconduct.

1. Principle of proportionality

2. Minor misconduct	<p>Art. 34 ¹ A case of misconduct is generally considered minor if it involves first-time or unintentional misconduct.</p> <p>² In response to minor misconduct, the following sanctions may be imposed:</p> <ul style="list-style-type: none"> <i>a</i> Reprimand or behavioural correction; <i>b</i> Revocation, curtailment, or reimbursement of research funding; <i>c</i> Temporary exclusion from BFH internal funding; <i>d</i> Notification of third parties if research is funded by external sources; <i>e</i> Other measures in accordance with Article 36.
3. Severe misconduct	<p>Art. 35 Where misconduct is repeated or wilful, it is always to be considered severe. In the event of severe misconduct, the following sanctions may be imposed individually or in combination.</p> <ul style="list-style-type: none"> <i>a</i> Withdrawal of a title or certificate pursuant to Article 3 FaG or of a job title pursuant to Article 28 FaV.; <i>b</i> Exclusion from certain activities such as teaching or research; <i>c</i> Termination of the employment relationship, provided that the conditions laid down in the employment legislation are met; <i>d</i> Assertion of recourse or liability under Articles 102 and 103 of the Personnel Act of 16 September 2004 (PG) if the conditions are met; <i>e</i> Further measures in accordance with Articles 34 and 36.
Further measures	<p>Art. 36 Sanctions can be combined with other measures such as in particular</p> <ul style="list-style-type: none"> <i>a</i> Coaching, <i>b</i> Training, <i>c</i> Continuing education, <i>d</i> Duty to correct results or teaching documentation, <i>e</i> Criminal charges, civil actions, administrative proceedings and <i>f</i> Further measures in accordance with FaG and employment legislation.

6. Plagiarism by students

6.1. General

Delimitations	<p>Art. 37 ¹ Plagiarism that does not occur in the context of a degree programme at Bern University of Applied Sciences shall be dealt with in the procedure for scientific misconduct pursuant to Article 30 ff.</p> <p>² In the case of plagiarism by students that occurs in the context of a research project, it shall be decided on a case-by-case basis whether the procedure for plagiarism pursuant to Article 40 ff. or for scientific misconduct pursuant to Article 30 ff. shall apply.</p>
Agreement of student	<p>Art. 38 With their enrolment, all Bachelor's and Master's students as well as students of the continuing education courses at Bern University of Applied Sciences commit not to submit plagiarised work.</p>
Submission and electronic monitoring of assignments	<p>Art. 39 ¹ To facilitate the electronic monitoring process, all larger assignments are to be submitted in electronic format.</p> <p>² Electronic monitoring of written assignments is done by a standardised software process in which papers submitted are uploaded to a database where they are also available for crosschecking against other papers.</p>

³ Disclosure of papers or parts thereof shall be carried out exclusively on request on an individual basis in suspected cases.

⁴ The specific implementing procedures of electronic monitoring are defined by the Schools.

⁵ In the absence of such regulations, the implementation of electronic monitoring is at the discretion of the lecturers responsible.

6.2. Procedure in the event of plagiarism

Procedure and due process

Art. 40 ¹ In a case of suspected plagiarism, the lecturer responsible shall supply evidence for this suspicion and notify the student of this suspicion.

² The student has 14 days to respond to the accusation of plagiarism.

³ The lecturer subsequently forwards a copy of all documents to the head of degree programme and the head of teaching. Based on the documents supplied (lecturer's report, student's response), the head of the degree programme then judges whether plagiarism has actually occurred.

Penalties on a case-by-case basis

Art. 41 If an act of plagiarism is confirmed, the principle of proportionality, i.e. penalties on a case-by-case basis, is applied, depending on the extent of the plagiarism.

1. Principle of proportionality

² The right to take disciplinary measures pursuant to Articles 99 to 101 FaV remains reserved.

2. Minor plagiarism

Art. 42 ¹ Smaller acts of plagiarism in the context of a competency assessment shall result in a fail (Article 26 RRS⁴).

In addition, the student is given a written reprimand which threatens further penalties including potential expulsion from the university in the event of a repeat offence (cf. Article 6).

3. Major plagiarism

Art. 43 ¹ A repeat offence (e.g. another act of plagiarism in the same or in a different module) or large-scale plagiarism is regarded as a severe case.

² A severe case may lead to expulsion from the degree programme (Article 99 FaV).

³ Should a severe case be discovered after a title has been bestowed, the title may be revoked.

7. Other provisions

Period of investigation and sanctioning

Art. 44 ¹ Scientific misconduct shall be investigated and sanctioned up to 10 years after the last alleged case of misconduct. The right to apply paragraphs 2 and 3 remains reserved.

² Scientific misconduct shall be investigated and sanctioned up to 50 years after the last case of alleged misconduct, where the following conditions are cumulatively fulfilled:

a The misconduct is severe.

⁴ Framework Regulations of 5 June 2021 on Study at Bern University of Applied Sciences.

- b* The conduct in question was considered scientific misconduct at the time it took place.
- c* The conduct is considered misconduct at the time of the assessment.
- d* The conduct has an impact on current or planned scientific activities.
- e* Obtaining information on the conduct does not lead to unequal treatment with comparable misconduct that can no longer be prosecuted.

³ The right to apply any periods of limitation and forfeiture under other legislation that deviate from the time limits in this article remains reserved.

Obligation to notify higher authorities

Art. 45 If there is scientific misconduct or the suspicion of scientific misconduct, this will be communicated promptly to any competent higher-level bodies within the framework of the applicable legal or contractual provisions.

8. Application of the law

Art. 46 The procedure is governed by cantonal law.

9. Final provisions

Repeal of an ordinance

Art. 47 The following ordinances are herewith repealed:

1. The directive of 10 December 2008 on dealing with plagiarism at Bern University of Applied Sciences.
2. The directive of 19 November 2019 on scientific integrity and good scientific practice.

Entry into force

Art. 48 These regulations shall enter into force on 1 January 2023.

Bern, 16 November 2022

On behalf of the University Board
The President:

Markus Ruprecht