

# Ordinance concerning the procedure to follow in cases of suspected scientific misconduct

LEX 3.3.3

23<sup>rd</sup> March 2009, status as at 1<sup>st</sup> January 2018

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*The Direction of the Ecole polytechnique fédérale de Lausanne,*  
based on Articles 20a to 20c of the [ETH Act](#),  
based on the disciplinary procedure established by Article 36 of the [Ordonnance du Conseil des EPF sur le corps professoral des écoles polytechniques fédérales](#) and Article 58 of the [Ordonnance du Conseil des EPF sur le personnel du domaine des écoles polytechniques fédérales](#);  
based on the EPFL ethical charter,  
*hereby adopts the following:*

## Preamble

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

- to assign a mission of information and education to the Research Commission, primarily directed at those destined to become the scientists of tomorrow<sup>1</sup> ;
- to provide EPFL with an appropriate internal procedure for rapidly dealing with any indication or allegation of scientific misconduct on the part of a member, or group of members, of the EPFL community.

This procedure adapts the organisation chart recommended by the Swiss Academies of Arts and Sciences published in “Integrity in scientific research: Principles and procedures” (ISBN 978-3-905870-06-0, 2008). It is based on existing legislation and fulfils 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.

## Article 1 Sphere of application

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

## Article 2 Definition

<sup>1</sup> The term scientific misconduct is used to define the act of intentionally deceiving a recipient, the public or the scientific community, during the utilisation, dissemination 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 intentional destruction or falsification of experimental results and other material proof;
- the selective and biased use of experimental data;

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<sup>1</sup> The Research Commission has prepared an ethical charter: “LEX 3.3.2 - Guidelines for Research Integrity and Good Scientific Practice at the EPFL”. Copies of this will be distributed to all new members of the EPFL scientific community and can be ordered from the RC, or downloaded from [Polylex](#).

- the improper use, even the mere copying, of texts, ideas, concepts, theories, methods or experimental data originating from other persons, with neither their formal permission nor explicit references to the latter<sup>2</sup>;
- participation in falsification by others, or knowledge of this falsification (for example, the fact of being the co-author of a publication containing falsified data) can notably lead to shared responsibility regarding this scientific misconduct.

<sup>2</sup> For a more complete list, please refer to the guidelines published by the Swiss Academies of Arts and Sciences: "Integrity in scientific research: Principles and procedures" (ISBN: 978-3-905870-06-0, 2008).

### **Article 3 Denunciation**

<sup>1</sup> Any individual or legal entity may make a denunciation concerning 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 EPFL Ombudsperson. The latter is appointed for a four year term by the EPFL Direction, and is a person from outside EPFL, with a thorough knowledge of the functioning of a research institution.

<sup>2</sup> The whole procedure will be carried out in such a way as to guarantee confidentiality insofar as all documents concerned will remain under the control of EPFL.

### **Article 4 Admissibility of a denunciation**

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

1. if the denunciation is considered inadmissible, they inform the author to this effect, detailing the grounds for their decision and the possible appeal procedures;
2. if the denunciation is considered admissible, they forward the matter to the Chairman of the Research Commission and the General Counsel for expert appraisal;
3. if the Chairman of the Research Commission is implicated, the matter is forwarded directly to the President of EPFL.

### **Article 5 Tasks of the Research Commission (RC) Chairman**

The tasks of the Chairman of the RC are to:

1. collect within a period of approximately two months the objective elements to determine whether a formal inquiry should be opened;
2. write a report on this basis for the President and the EPFL Ombudsperson and propose how the matter should be followed up, whether by:
  - a) the closure of the dossier in the absence of any element justifying the maintenance of the denunciation and continuation of the procedure,
  - b) the opening of the necessary formal inquiry justified by the conclusions of the report,
  - c) any measure or decision justified by the facts as revealed by the report and admitted by the implicated party;
3. inform, if necessary and in strict confidence, any third party (individual or organisation) concerned because they have participated in the work formally called into question, contributed to its financing, or been responsible for the promotion or publication of the results;
4. if a member of the EPFL Direction is involved, the matter will be passed directly to the ETH Board.

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<sup>2</sup> The intellectual property of other researchers must be respected.

## **Article 6 Commission of Inquiry**

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

1. the President of EPFL appoints the Chairman of the Commission of Inquiry, responsible for leading the inquiry and the discussions, as well as the members of the Commission of Inquiry;
2. the Commission of Inquiry organises itself as it wishes and takes all necessary steps to establish the facts;
3. the Commission of Inquiry must submit its report to the President of EPFL as rapidly as possible, and in principle within a period of six months following the start of the procedure.

## **Article 7 Decisions and sanctions**

<sup>1</sup> The President of EPFL takes all 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.

<sup>2</sup> Penalties are provided for in the Personnel Law (penalties ranging from a warning to the termination of employment) and the [Ordinance on disciplinary measures](#) (penalties ranging from a reprimand to exclusion from EPFL).

## **Article 8 Supplementary law applicable**

The present directive constitutes a supplement to the Federal Act on Administrative Procedure (APA) (RS: 172.021).

## **Article 9 Appeal**

The appeal procedure is governed by the Federal Act on the Federal Institutes of Technology Art. 37 (RS 414.110) and will be mentioned in the decision.

## **Article 10 Entry into force**

<sup>1</sup> The present procedure entered into force on 23<sup>rd</sup> March 2009, status as at 1<sup>st</sup> January 2018.

On behalf of the EPFL Direction:

Patrick Aebischer  
President

Susan Killias  
General Counsel