

Ordinance of ETH Zurich governing the procedure to address allegations of scientific misconduct

(Procedure in the event of scientific misconduct)

dated 18 January 2024 (Status as of 12 September 2024)

RSETHZ 415

The Executive Board of ETH Zurich,

pursuant to Article 20a, Paragraph 2 of the ETH Act of 4 October 1991¹,

hereby decrees:

Chapter 1: Subject and scope

Art. 1 Subject

This Ordinance governs:

- a. the forms of scientific misconduct;
- b. the handling of reports, the investigation procedure and the possible measures in the event of suspected scientific misconduct;
- c. the rights and obligations of persons and bodies affected by the investigation procedure;
- d. the collaboration and exchange of information with other institutions.

Art. 2 Scope

¹ This Ordinance applies to:

- a. persons who are accused of scientific misconduct relating to their current or previous scientific activity at ETH Zurich;
- b. other persons working at and outside ETH Zurich who are called upon to clarify the facts in an investigation procedure dealing with suspected scientific misconduct.

² For students, the procedure for disciplinary violations in connection with performance assessments is governed by the ETH Zurich Ordinance on Disciplinary Measures of 10 November 2020².

Art. 3 Procedures at other institutions

If persons working in scientific roles at ETH Zurich are accused of scientific misconduct by another institution, they must assist in the relevant proceedings and implement the resulting measures if ETH Zurich requires them to do so.

¹SR 414.110

²SR 414.138.1

Chapter 2: Scientific misconduct

Section 1: Term

Art. 4

¹ Scientific misconduct occurs when in a scientifically relevant context, the work results and findings of a third party are intentionally or negligently passed off as one's own, false statements are made and forgery is committed, the intellectual property of others is infringed, or their research work is otherwise unfairly compromised. It can also exist in the event of omission, instigation or aiding and abetting.

² Conflicts, scientific errors and the use of procedures and methods that are controversial in the scientific community are not forms of scientific misconduct.

Section 2: Forms of scientific misconduct

Art. 5 Fabrication

Fabrication consists of stating, recording or otherwise representing non-existent data, principles or results. This includes quoting incorrectly or misleadingly from works or alleged works by third parties.

Art. 6 Falsification

Falsification means the methodical unauthorised manipulation of research materials, tools or procedures. Such manipulation may include the dishonest alteration, emphasis, omission or deletion of data or results and their presentation.

Art. 7 Plagiarism

Plagiarism occurs when a person's own work cannot be sufficiently distinguished from previous work of theirs or the work of another person. Plagiarism is deemed to include, in particular:

- a. the use of published and unpublished work (including unpublished sources), ideas (including structures) or formulations of other persons without giving proper credit to the original source;
- b. the use of published and unpublished work of other persons with slight adaptations or translations without acknowledging the original source;
- c. the reuse of substantial parts of one's own work from scientific publications and research proposals, without proper acknowledgement of the source (self-plagiarism);
- d. the reuse of co-authored publications without proper acknowledgement of the source.

Art. 8 Misconduct in relation to authorship

The following acts concerning the naming of authors are examples of scientific misconduct:

- a. the claiming of authorship without having made a significant contribution to the work;
- b. the failure to mention persons whose personal scientific achievement has made a significant contribution to the publication or disparagement of their contribution.

Art. 9 Incorrect publication lists

The following, in particular, are deemed to constitute scientific misconduct in connection with information in publication lists:

- a. providing information in publication lists that deviates from the actual published information or is misleading;
- b. providing false or misleading information about the publication status of one's own work.

Art. 10 Improper handling of data

The following, in particular, are deemed to constitute scientific misconduct in relation to the handling of data:

- a. collecting and processing personal data without obtaining prior consent;
- b. copying, transmitting or using data without authorisation;
- c. not ensuring sufficient pseudonymisation/anonymisation of data;
- d. violating disclosure obligations;
- e. storing data improperly;
- f. breaching the obligations relating to the retention of data or materials.

Art. 11 Misconduct in relation to collaboration

The following, in particular, are deemed to constitute scientific misconduct in relation to collaboration between individuals:

- a. abusing a management function to instigate, encourage or cover up scientific misconduct;
- b. harming, delaying or obstructing the research work of others within or outside one's own research group;
- c. obstructing collaboration by improperly withholding research results;
- d. refusing to grant authorised persons access to research data and results;
- e. breaching duties of confidentiality and discretion.

Art. 12 Misconduct in connection with expert reports and peer reviews

The following, in particular, are deemed to constitute scientific misconduct in relation to expert reports and peer reviews:

- a. failing to disclose conflicts of interest or other sources of bias;
- b. using or disclosing, without authorisation, confidential information to which there is access within the framework of expert activities;
- c. adopting ideas to which there is access within the framework of expert activities.

Art. 13 Misconduct in investigation procedures

The following, in particular, are deemed to constitute scientific misconduct in relation to investigation procedures in the event of suspected scientific misconduct by another person:

- a. alleging scientific misconduct without sufficient cause for the purpose of harming the accused person;
- b. concealing or whitewashing the scientific misconduct of third parties;
- c. discriminating against persons who have reported scientific misconduct or against whom a suspicion of scientific misconduct is raised.

Art. 14 Other forms of scientific misconduct

The following, in particular, are deemed to constitute other forms of scientific misconduct:

- a. organising and conducting research without obtaining the necessary permits or confirmations;
- b. providing false information about oneself and one's curriculum vitae in the context of research and science and when applying for third-party funding;
- c. using unjustified or factually unjustifiable selective citation or self-citation;
- d. allowing the independence of research methodology to be influenced; or
- e. influencing the reporting of research results by funders and sponsors.

Art. 15 Forms of manifestation

Scientific misconduct can occur in various forms, in particular:

- a. in publications, including work submitted for publication and accepted, not yet published dissertations;
- b. in the case of funding applications;
- c. in expert reports;
- d. in nomination documents;
- e. in laboratory notebooks;
- f. in invention disclosures;
- g. in teaching material;
- h. in digital data.

Chapter 3: Organisation

Section 1: Integrity Commission

Art. 16 Allocation

¹ The Integrity Commission (hereinafter the "Commission") is a permanent commission pursuant to Article 28 of the ETH Zurich Organisation Ordinance of 16 December 2003³.

² The Commission works independently and, with respect to administration, is assigned to the Executive Board domain of Research.

Art. 17 Composition

¹ The Commission is composed of:

- a. the Chair of the Commission;
- b. the Vice Chair of the Commission; and
- c. four to eight other members.

² Various genders must be represented on the Commission.

³ The Commission should consist of at least two members who do not belong to ETH Zurich.

Art. 18 Eligibility for election

¹ Anyone under the age of 66 may be elected as a member of the Commission.

² The Chair of the Commission must have several years of experience in conducting administrative proceedings.

³ The other members should meet at least one of the following criteria:

- a. have proven experience in the implementation of procedures for the investigation of suspected scientific misconduct;
- b. have legal training;
- c. be permanently employed with ETH Zurich as a scientific staff member;
- d. be an active or former member:
 1. of the ETH Zurich Research Commission;
 2. of the ETH Zurich Commission for Good Scientific Practice.

⁴ At least three of the following disciplines should be represented on the Commission:

- a. Architecture & Civil Engineering;
- b. Engineering Sciences;
- c. Natural Sciences & Mathematics;
- d. System-oriented Natural Sciences;
- e. Management & Social Sciences.

³RSETHZ 201.021

Art. 19 Conflict

¹ The members of the Commission must not engage in any employment that could negatively affect the fulfilment of their duties or the independence or reputation of the Commission.

² The grounds for conflict pursuant to Art. 8 of the Federal Administrative Court Act (FACA) of 17 June 2005⁴ apply mutatis mutandis in all other respects.

Art. 20 Election of the members

¹ The members of the Commission are elected by a committee consisting of three active or former members from each of the Research Commission and the Commission for Good Scientific Practice.

² The Chair of the Commission:

- a. notifies the committee of the Commission members who stand for reelection;
- b. advises the committee what profile new candidates are required to meet so that their election complies with the requirements pursuant to Articles 17-19.

³ The committee requests the following units and bodies to recommend candidates who meet the profile of requirements:

- a. the departments;
- b. the Lecturers' Conference;
- c. the Academic Association of Scientific Staff at ETH Zurich;
- d. the Research Commission;
- e. the Ethics Commission;
- f. the Commission for Good Scientific Practice.

⁴ After consulting with the Chair of the Commission, the committee elects the members of the Commission from the group of recommended candidates and the members standing for reelection.

⁵ The committee forwards the lists of elected members to the Vice President for Research.

Art. 21 Confirmation of election

¹ The Vice President for Research requests that the Executive Board confirm the members of the Commission elected by the committee.

² If the Executive Board refuses to confirm an elected member, it directs the Vice President for Research to inform the committee as to the reasons for the rejection and to instruct the committee to elect another member.

Art. 22 Term of office and reelection

¹ The term of office of members is four years.

² The members of the Commission may be reelected.

⁴SR 173.32

Art. 23 Contractual relationship

Members of the Commission who are not employed with ETH Zurich perform their work on a contractual basis.

Art. 24 Duties

The Commission has the following duties:

- a. It investigates the instances of suspected scientific misconduct at ETH Zurich.
- b. It prepares a report once the investigation is concluded.
- c. It recommends measures pursuant to Article 72.
- d. It is responsible for issuing procedural rulings.
- e. It decides about the information on the investigation procedure.
- f. It publishes the investigation report in anonymised form unless there are important reasons not to do so.
- g. It publishes an annual activity report.
- h. It compiles draft amendments to this Ordinance for the attention of the Executive Board.

Art. 25 Meetings

¹ The Commission meets as often as business requires, but at least four times a year.

² The meetings may take place by video conference.

³ As an exception, decisions may be made by circular letter.

Art. 26 Duty to attend meetings

¹ The members are required to attend all meetings. Proxies are not permitted.

² In the event that a member is unable to attend a meeting, they shall advise the Chair of the Commission in a timely manner of the reasons for their absence. The Chair determines whether there is a situation that releases the member from their duty to attend the meeting.

Art. 27 Invitation

¹ The Chair of the Commission convenes the members of the Commission.

² The invitation is usually sent out two weeks prior to the meeting.

³ The invitation must be accompanied by the agenda and the other documents required for the meeting.

Art. 28 Chair of the meeting, right to make motions and to vote

¹ The Chair of the Commission chairs the meeting.

² The members of the Commission have the right to make motions and to vote.

Art. 29 Agenda

¹ The Chair of the Commission determines the agenda for the meeting of the Commission.

² It is approved by a simple majority of the members present at the beginning of the meeting.

³ Changes to the order of the agenda, the inclusion of a new agenda item and the removal of an agenda item may be decided at any time by a simple majority of the members present.

Art. 30 Resolutions

¹ The Commission is quorate if at least two thirds of its members are present.

² Resolutions are passed by a simple majority of the members present. If a decision is made by way of circular letter, a simple majority of the votes of all members of the Commission is required.

³ In the event of a tie, the Chair of the Commission shall have the casting vote.

⁴ The Chair of the Commission and the Secretary sign the resolutions and the independently contestable interim rulings.

Art. 31 Meeting minutes

¹ Minutes of the meetings are kept.

² The draft minutes are submitted to the Commission at a subsequent meeting for approval.

³ The Chair of the Commission and the Secretary sign the approved minutes.

Section 2: Scientific Integrity Office

Art. 32 Allocation

The Scientific Integrity Office (SIO) is assigned to the Executive Board domain of Research for the purpose of administration.

Art. 33 Composition

¹ The SIO is composed of several employees of ETH Zurich. They may work in other organisational units of ETH Zurich in addition, provided that this does not affect their independence in their work for the SIO.

² With the exception of administrative staff, the employees of the SIO must meet at least one of the following criteria:

- a. possess several years of research activity following their doctorate;
- b. possess in-depth knowledge and experience in the area of scientific integrity or in the conduct of proceedings in cases of suspected scientific misconduct;
- c. have legal training with several years of professional experience.

Art. 34 Duties

¹ The SIO provides the Commission with technical and administrative support. Its duties include, in particular:

- a. receiving and processing reports of suspected cases of scientific misconduct;

- b. providing support in investigation procedures, in particular keeping minutes of the procedures and filing, as well as providing support for examination hearings and obtaining statements and files;
- c. providing support for the editing of resolutions and investigation reports;
- d. providing legal advice;
- e. providing advice on issues of scientific integrity;
- f. taking minutes at the meetings of the Commission;
- g. management of all issues relative to the procedure and management of statistics;
- h. providing support for the editing of the activity report;
- i. maintaining the exchange of information on issues of scientific integrity with other national specialised bodies;
- j. monitoring of international developments in the area of scientific integrity and organisation of procedures in the event of suspected scientific misconduct.

² The Vice President for Research can delegate other tasks in the area of scientific integrity and good scientific practice to the SIO.

³ The employees of the SIO have an advisory vote in the meetings of the Commission and the election committee.

Section 3: Executive Board committee

Art. 35 Composition and duties

¹ The Executive Board committee consists of the Rector, the Vice President for Research and the Vice President for Personnel Development and Leadership. If the accused person is a professor, the Executive Board committee involves the President of ETH Zurich in addition and, if necessary, the Vice President for Knowledge Transfer and Corporate Relations.

² The Executive Board committee takes note of the investigation report of the Commission and its anonymised version.

³ It hears the accused with respect to the measures recommended in the investigation report.

⁴ It describes the measures that it considers necessary and asks the responsible offices of ETH Zurich to implement these based on the investigation report.

⁵ It advises the accused person and the Commission:

- a. whether it has initiated measures;
- b. when the publication of the investigation report is planned; publication should generally take place shortly after conclusion of the investigation procedure.

⁶ It issues the decisions in accordance with Article 3 and consults with the Commission in advance, if necessary.

⁷ It holds a discussion annually with the Chair of the Commission, in particular on aspects of the prevention of scientific misconduct, the conduct of proceedings and the requirements of the Commission and the SIO for resources. This discussion does not deal with ongoing proceedings.

Section 4: Joint provisions

Art. 36 Publication

The Executive Board publishes a list of the elected members of the Commission and the employees of the SIO on the website of ETH Zurich.

Art. 37 Recusal

¹ The grounds for recusal pursuant to Article 10 of the Administrative Procedure Act of 20 December 1968⁵ (APA) apply to the members of the Commission and the employees of the SIO.

² In particular, any person who has worked together in science with a person accused of scientific misconduct in the last five years prior to the initiation of an investigation procedure also lacks impartiality in the matter.

³ Any person who is affected by a ground for recusal must inform the Chair of the Commission in a timely manner.

Art. 38 Request for recusal

¹ If a person who is accused of scientific misconduct requests the recusal of members of the Commission or employees of the SIO, they are required to submit a written request for recusal to the Commission as soon as they become aware of a reason for recusal. The facts justifying the request for recusal must be substantiated.

² The person affected by the request for recusal is required to provide comment to the Commission on the reasons put forward for recusal.

Art. 39 Decision on recusal

¹ If the person whose recusal is requested disputes the reason for recusal, the Commission shall decide on the recusal the absence of and to the exclusion of that person.

² If there is a request that the entire Commission be recused, the Executive Board shall decide. If the Executive Board approves the request, it shall appoint a replacement commission with six members.

Art. 40 Confidentiality

¹ The members of the Commission, the employees of the SIO and the other persons working at ETH Zurich who are involved in the investigation procedure or are informed about an investigation procedure because of their position are obliged to maintain confidentiality.

² The Chair of the Commission sets out rules regarding the handling of confidential information, in particular in cases where persons outside the investigation procedure must be informed. These rules are made available to the public.

³ Persons and institutions outside ETH Zurich who are required to be informed as part of the investigation procedure must be made aware of confidentiality.

⁵SR 172.021

⁴ At the request of any person who has reported suspected scientific misconduct, their name must be treated in confidence in the investigation procedure.

⁵ If it becomes apparent during the course of the investigation procedure that information that is confidential must be obtained from persons outside ETH Zurich, the Chair of the Commission will ask these persons to obtain written permission from the responsible body to provide such information.

⁶ The Chair of the Commission shall decide on any exceptions to the obligation of confidentiality up until the conclusion of the investigation procedure, and thereafter the Executive Board shall decide.

Chapter 4: Reporting

Art. 41 Place of report

¹ Any person can report circumstances to the SIO which, in the view of that person, relate to scientific misconduct.

² If the report is made to another unit of ETH Zurich, it must then be forwarded to the SIO.

Art. 42 Contents

¹ The report should name the person accused, contain as specific and precise information about the circumstances as possible, and be substantiated.

² It should be made in writing. The SIO provides a form for the report.

³ If the person reporting insists on doing so orally, the report must be recorded by the SIO.

Art. 43 Anonymity

Anonymous reports must be pursued if the circumstances reported can be investigated without the involvement of the person making the report.

Art. 44 Processing

¹ The SIO reviews the report and, if necessary, asks the person making the report for additional information.

² It submits the report to the Chair of the Commission for a formal review.

Art. 45 Formal review

¹ The Chair of the Commission undertakes a formal review as to whether the report falls within the responsibility of the Commission and whether it is substantiated. If necessary, the Chair will consult individual members of the Commission or other units or specialised offices at ETH Zurich.

² If the Commission is not responsible, the Chair will confirm the decision to not bring an investigation proceeding.

³ If another office of ETH Zurich is responsible, the Chair will transfer the report to it, provided that the person making the report agrees.

Art. 46 Abusive reporting

If a person who raises an allegation of scientific misconduct with abusive intent pursuant to Article 13, Letter a does not fall within the scope of this Ordinance, and if the person belongs to another scientific institution, the responsible body of that institution shall be informed of the conduct.

Chapter 5: Investigation procedure**Section 1: Purpose, leadership and procedure****Art. 47** Purpose

In an investigation procedure, the Commission clarifies the circumstances to the extent that it is able to determine whether:

- a. the accused person can be accused of scientific misconduct;
- b. measures pursuant to Article 72 are to be recommended.

Art. 48 Leadership

¹ The Chair of the Commission leads the investigation. For individual investigation procedures, they may delegate this duty to their deputy.

² They are responsible, in particular, for:

- a. designating the members of the Commission who will participate in providing instruction in the investigation procedure and in preparing the draft investigation report;
- b. clarifying the circumstances;
- c. making any decision to suspend the investigation procedure;
- d. informing the Executive Board committee and other bodies within and outside ETH Zurich.

³ The Chair of the Commission represents the Commission in appeal proceedings against independently contestable interim rulings.

Art. 49 Initiation of procedure

¹ The Chair of the Commission initiates the investigation procedure with a notice to the person accused. The Chair:

- a. brings the report and the purpose of the investigation procedure to the attention of the person accused;
- b. informs the person accused about the composition of the Commission and the names of the persons from the SIO who will assist the Commission in the investigation proceedings and about the possibility of making a request for recusal;
- c. informs the person accused about their procedural rights;
- d. invites the person accused to comment and to submit files;
- e. obtains consent from the person accused for electronic delivery and for the granting of access to files on an electronic platform.

² The Chair of the Commission furthermore informs the offices affected at ETH Zurich and asks them to submit any evidence.

Art. 50 Investigation report

¹ The Commission prepares an investigation report. In it, it comments, in particular:

- a. on the course of the investigation procedure;
- b. on the facts of the case and their assessment, in particular on the assessment as to whether scientific misconduct has occurred:
 1. if yes, what the misconduct consists of and what transgression the accused person is guilty of;
 2. if no, on the reasons for this finding;
- c. on the severity of the scientific misconduct, taking into account:
 1. the motives and conduct of the accused person in their scientific career to date;
 2. the extent and importance of the interests of ETH Zurich that have been compromised or infringed as well as other persons and institutions directly affected by the scientific misconduct;
 3. the assessment as to whether ETH Zurich exercised a reasonable duty of care to avoid any misconduct;
- d. on the recommendation of measures pursuant to Article 72.

² The Chair of the Commission and the Secretary sign the investigation report.

³ The Chair of the Commission delivers the draft of the investigation report to the accused person along with its anonymised version intended for publication with the possibility for the accused person to comment on both in writing.

Art. 51 Conclusion

¹ At the conclusion of the investigation procedure, the Chair of the Commission requests the Commission to:

- a. adopt the investigation report and its anonymised version intended for publication;
- b. decide whether or not scientific misconduct has occurred;
- c. decide on the information:
 1. to be provided to the persons and institutions involved in the investigation procedure and to the public; and
 2. and other bodies which, due to their duties, must be informed about the outcome of the investigation procedure.

² The Chair of the Commission:

- a. delivers the decision of the Commission as well as the final version of the investigation report and the anonymised version of it intended for publication to the accused person and the Executive Board committee;
- b. informs the Executive Board committee about any objections raised by the accused person in connection with the planned publication of the anonymised investigation report.

Section 2: Persons and institutions affected

Art. 52 Persons and institutions

The following are affected by the investigation procedure:

- a. the accused person;
- b. persons working at ETH Zurich and other persons involved in the investigation procedure;
- c. bodies of institutions in Switzerland and abroad in the context of providing and obtaining information;
- d. the reporting person.

Art. 53 Accused person

¹ The accused person is defined as a person against whom a procedure is initiated based on suspicion of scientific misconduct at ETH Zurich.

² They are entitled to the procedural rights specified in this Ordinance.

³ They are required to cooperate in establishing the facts of the case.

Art. 54 Jointly accused persons

If several persons are accused of having committed scientific misconduct jointly, the investigation will be carried out in a joint procedure if there are no objective reasons against a joint procedure.

Art. 55 Duty to cooperate

¹ The persons at ETH Zurich involved in the investigation procedure are required to cooperate with the Commission in establishing the facts. In particular, they are required:

- a. to provide information and submit evidence to the Commission relating to the facts to be investigated;
- b. grant the Commission all rights of access and inspection necessary to determine the facts.

² They will be released by the Legal Office of ETH Zurich from the obligation of official secrecy in order to be able to cooperate in the investigation procedure.

Art. 56 Bodies of institutions in Switzerland and abroad

¹ The Chair of the Commission is responsible for providing information to and obtaining information from institutions in Switzerland and abroad and for notifying the person concerned in accordance with Article 20b and 20c of the ETH Act⁶, to the extent that the investigation procedure is concerned.

² The Chair may delegate this duty to an employee of the SIO.

³ The Executive Board committee decides who, outside the investigation procedure, is responsible for providing and obtaining the information and for informing the person affected.

⁶SR 414.110

Art. 57 Reporting person

¹ The person who reports suspected scientific misconduct may provide the Commission with supplementary documentation after having made the report and be examined as a third party within the meaning of Article 12, Letter c of the APA⁷.

² On receipt of their report, they will be asked to treat the matter in confidence.

³ The Commission will inform them about any decision to not bring proceedings or about the initiation and outcome of the investigation procedure.

Art. 58 Representation and legal aid

Provided that they do not have to act personally and the urgency of the investigation does not preclude it, the accused person and the persons involved in the investigation procedure may be represented and receive legal aid.

Section 3: Procedural principles

Art. 59 Duration of procedure

The investigation procedure usually lasts for maximum 12 months. If this duration of time is exceeded, this must be substantiated in the investigation report.

Art. 60 Language of procedure

The investigation procedure is usually carried out in German. The Chair of the Commission decides whether parts of the procedure will be carried out in English. If a person asked to give information in a proceeding does not understand either German or English, a translator must be called in.

Art. 61 Minutes of procedure

The main inquiries must be recorded in the minutes of the procedure.

⁷SR 172.021

Art. 62 Electronic mail service

¹ Provided that the accused person and the other persons involved in the investigation procedure declare that they consent, service of documents in the investigation procedure may be effected electronically. In accordance with Article 21a, Paragraph 2 APA⁸, the Commission may provide that the accused person be required to affix to their submissions a qualified electronic signature recognised by ETH Zurich.

² The Commission shall ensure that confidential data is protected in an appropriate manner during electronic transmission.

Art. 63 Service of rulings

¹ Subject to paragraph 2, rulings will be delivered to the accused person by regular mail.

² With the consent of the accused person, notification of rulings may be given to them by electronic means in accordance with the provisions of Article 34, Paragraph 1^{bis} APA⁹ and Article 8-10a of the Ordinance on Electronic Communication in Administrative Proceedings (ECAPO)¹⁰.

Art. 64 File management and retention

¹ A case file must be created for each case. This must contain:

- a. the list of documents in the file;
- b. the minutes of the procedure;
- c. the files created and compiled in the investigation procedure as part of the investigation of the facts and the gathering of evidence;
- d. the files submitted in the investigation procedure.

² The case file is created in electronic form. Any records created or submitted in paper form must also be placed in a file.

³ The files must be retained by the SIO for 10 years and subsequently delivered to the archives of the Executive Board.

Art. 65 Inspection of files

¹ Subject to any conflict with essential public or private interests, the accused person shall be entitled to inspect all files relating to them and to comment on them (Art. 26-28 APA¹¹).

² If the accused person is in agreement, the files may be made available to them for inspection electronically on a platform.

Art 66 Right to be heard

The accused person shall have the right to be heard (Art. 29-33 APA¹²). They may present evidence and request that more inquiries be carried out.

⁸SR 172.021

⁹SR 172.021

¹⁰SR 172.021.2

¹¹SR 172.021

¹²SR 172.021

Art. 67 Evidence

To establish the facts of the case, the Chair of the Commission makes use of the evidence referred to in Article 12 APA¹³. The examination of witnesses is excluded.

Art. 68 Examination hearings

¹ Any persons who are examined must be advised that they may refuse to make a statement if this statement would incriminate them in relation to any disciplinary or criminal proceeding.

² Persons who do not belong to ETH Zurich must be advised that the provision of information by them is voluntary and that they may only disclose information that is subject to official, professional or business secrecy if they have received written permission to do so from the body responsible.

³ If there are no sufficient grounds for exclusion, the accused person may attend examination hearings of other persons and ask supplementary questions. A ground for exclusion is sufficient in particular if the person examined fears reprisals because of their statement or they have been promised confidentiality.

⁴ The accused may inspect the transcript of the examination if no essential public or private interests require confidentiality.

⁵ If the accused is refused the right to inspect the transcript of the examination, Article 28 APA¹⁴ applies.

Art. 69 Transcript of the examination

¹ The statements of the persons examined are recorded.

² With the consent of the person examined, the examination may be recorded on site using technical aids or take place in a video conference. The recording must be reproduced in a transcript and destroyed as soon as the transcript signed by the person examined is available.

³ The transcript signed by Chair of the Commission and the person who produced it must be sent to the person examined for signature. If the person declines to sign the transcript, their refusal and the reason for it will be noted in the transcript.

⁴ The Chair of the Commission shall decide on any requests by the person examined to amend the transcript.

Art. 70 Consultation of experts

¹ The Chair of the Commission consults one or more experts if the Commission and the SIO do not have the special knowledge and skills required to establish or assess the facts of a case.

² The Chair of the Commission concludes a mandate agreement with the expert which agreement contains, in particular:

- a. the title of the expert;
- b. a note, if needed, that to carry out the mandate, the expert may appoint other persons for whom they shall be responsible;
- c. the precisely formulated questions;

¹³SR 172.021

¹⁴SR 172.021

- d. the deadline for issuing the opinion or expert report;
- e. the duty of confidentiality that applies to the expert and any of their auxiliaries;
- f. the information about compensation.

³ The Chair of the Commission gives the accused person the opportunity to comment on the expert, in particular on any possible grounds for recusal and on the questions, and to submit their own proposals. If a ground for recusal is in dispute, the Commission shall decide.

⁴ Together with the mandate, the Chair of the Commission gives the expert the files necessary to carry out the mandate.

⁵ The Chair of the Commission may revoke the mandate at any time and appoint a new expert if this is in the interests of the investigation procedure.

Art. 71 Preparation of opinion or expert report

¹ The expert is responsible for personally preparing the opinion or expert report.

² The Chair of the Commission may call in the expert to attend examinations and authorise them to pose questions to the person to be examined.

³ If the expert considers that additions to the file are necessary, they make a corresponding request to the Chair of the Commission.

Chapter 6: Measures

Art. 72 Measures

¹ In the event of scientific misconduct, ETH Zurich may take the following measures, in particular, against the accused:

- a. corrections of the scientific misconduct identified;
- b. limitation of the size of the group led by them;
- c. limitation of the number of doctoral students in the group led by them;
- d. limitation of the research locations of the research projects carried out by them;
- e. limitation of research cooperation;
- f. withdrawal of budget responsibility;
- g. exclusion from research funding programmes;
- h. removal from offices held by them at ETH Zurich or on its behalf outside ETH Zurich;
- i. arrangement for them to undergo personal coaching or for coaching of the research group lead by them;
- j. warning;
- k. termination of their employment relationship;
- l. disciplinary measures in accordance with Article 37b of the ETH Act¹⁵;
- m. withdrawal of their academic title;
- n. expulsion from ETH Zurich.

¹⁵SR 414.110

Chapter 7: Rights of appeal

Art. 73 Appeals

Independently contestable interim rulings by the Commission and rulings of other bodies of ETH Zurich are governed by the law regarding rights of appeal in accordance with Article 37, Paragraph 3 of the ETH Act¹⁶.

Chapter 8: Concluding provisions

Section 1: Transitional provision

Art. 74¹⁷

¹ This ordinance does not apply to the cases pending at the time of its entry into force for which the Executive Board has already appointed an investigation committee. In these cases, the provisions on procedure and competence in the Procedure to address allegations of research misconduct at ETH Zurich of 30 March 2004 continue to apply.

² All other cases may be reported to the unit in accordance with Article 41, Paragraph 1.

Section 2: Entry into force

Art. 75

This Ordinance enters into force on 1 June 2024. The Procedure to address allegations of research misconduct at the ETH Zurich dated March 30, 2004¹⁸ is repealed.

¹⁶SR 414.110

¹⁷ Version in accordance with the Executive Board decision of 12 September 2024, in force as of 1 June 2024.

¹⁸RSETHZ 415