

Ethical Charter for Research

The Ethical Charter for Research of the CIDP - Lisbon Centre For Research in Public Law is an affirmation of values and principles that guide the mission of the Centre in its activities of scientific research and interaction with the society. The Centre promotes several projects with worldwide and interdisciplinary dimension which are rooted in the principles of personal and professional responsibility and that pursue high-level research standards of freedom and integrity. Many of those have a decisive impact with political decision-makers and the society in general. This means the research activities might come to be developed in different States, by the hand of researchers of various nationalities and areas of interest and within a widespread set of academic, economic, cultural, legal and political backgrounds. All of this paramounts ethical dilemmas that must be addressed.

The Scientific Council of the CIDP approved this Ethical Charter for Research drawing inspiration from the principles of the European Charter for Researchers, the sound international research tradition and the decision of the Scientific Council of the University of Lisbon School of Law taken on the 13th of November of 2013.

This Charter imprints an ethical compromise of the academic community and guides the researchers and other collaborators and students who partake on the scientific research developed by the Centre through the promotion of professionalism and excellence in their action, while abiding by the ethical, legal and statutory principles applicable.

1. OBJECT

This Charter holds the ethical principles that lead the research activity of the CIDP.

All members described in the article 2 of the Statute of the CIDP are bound by this Charter.

2. PRINCIPLES AND OBLIGATIONS

2.1. Legality

The research activities developed in the Centre must respect the Estatuto da Carreira de Investigação Científica, approved by the Decree-Law number 124/99, 20th of April, the Statutes of the University of Lisbon, the Statutes of the University of Lisbon School of Law, the Statutes of the Instituto de Ciências Jurídico-Políticas, the Statute of the CIDP and the Research Statute of the CIDP, the principles contained on the European Charter for Researchers and any further legal rules applicable.

2.2. Respect and non-discrimination

The CIDP promotes the respect amongst researchers, students and administrative staff in all teaching and research activities, regardless of their gender, ethnics, nationality, religion, political or ideological beliefs, age or sex orientation.

2.3. Freedom

CIDP researchers enjoy full freedom to choose the topics and methods of their research.

No external interference or unjustified restraint are allowed in the research activity, except the former when it concerns the orientation of dissertations, the research management in the research groups, lines or projects, or matters related to the protection of intellectual property. Furthermore, the external interference should be limited to the strictly needed.

2.4. Integrity

All researchers must respect the privacy of individuals, specially when dealing with personal data.

All researchers must respect the confidentiality of the ongoing works whenever it is required.

The researcher must ensure in his activities:

- a) A complete and detailed reference of the sources used in the research work;
- b) The full respect for intellectual property rights;
- c) The correct mention of the name of the authors and co-authors of the publications as well as the explicit recognition of the work eventually undertaken by others involved in the research;

The researcher commits a serious violation of the principle of integrity if he:

- a) Copies or plagiarizes;
- b) Uses the legally protected intellectual achievements of others without the legal consent of their author;
- c) Presents false curricular information;
- d) Replicates the same work in different publications not mentioning the source and the copied extracts;
- e) Intentionally distorts any result to privilege a line of orientation or to indulge interests alien to the scientific truth.

2.5. Responsibility

The leading or guiding researchers ahead of any research work are ultimately deemed responsible for all the procedures and ethical issues related to the projects they lead or guide.

The leading researchers must manage the funding obtained with rigour, transparency and according to the principles of efficiency and good administration in order to ensure the success of their projects within schedule.

In international projects and missions the researchers must respect the culture and the research rules of the host States and institutions.

3. ETHICS COMMISSION

The Ethics Commission, hereinafter named Commission, is the body of the CIDP that instructs and judges any case of potential violation of the principles foreseen in this Charter, applying sanctions in disciplinary actions.

The Commission is an extraordinary *ad hoc* body that operates within the scope of the Scientific Council of the CIDP.

Whenever there is a denunciation or the suspicion of a disciplinary offense having been committed by one of the members of the CIDP, the President of the Scientific Council appoints an *ad casum* Commission of three integrated members and one associated member (without the right to vote).

Both the President of the Scientific Council and the Commission are bound to keep the name of the denunciator, the denunciation and the subsequent process in secrecy.

The Commission enjoys all guarantees of independence the other bodies of the CIDP do, including the Scientific Council. All of them should collaborate with the Commission.

4. PROCEDURES

After its formation, the Commission has 15 weekdays to instruct and to decide about the devious conducts reported by the Scientific Council.

The defendant must be notified by means of a disciplinary notice to be heard during the instruction.

After the deadline of the 15 weekdays, the Commission takes a sustained decision in writing that must be notified to the defendant.

Upon notification, the defendant has 15 weekdays to lodge an appeal.

If the defendant appeals, a new Commission is appointed with five integrated members and one associated member (without the right to vote).

The final decision must be taken within the following 15 weekdays and notified to the defendant.

The Code of Administrative Procedure is applicable subsidiarily to the provisioned in this Charter.

5. DISCIPLINARY ACTIONS

The violation of the obligations described in the bullet points 2.1 and 2.2, subheadings a) to e) of the paragraph 4.^o of the bullet point 2.4 and paragraph 2.^o of the bullet point 2.5 are serious disciplinary offenses.

Violations of the remaining principles foreseen in this Charter are considered minor disciplinary offenses.

Serious offenses to this Charter are punishable with suspension from one month to one year or with definitive removal from the activities of the Research Centre.

Minor offenses to this Charter can be subject to the following sanctions:

- a) Invitation to reformulate the work. The failure to comply may mean rejection of the work or removal from the project;
- b) Written reprehension with or without a formal apology to the entities or people affected by the actions of the infractor;
- c) Simple warning.

The professional and disciplinary background of the defendant, the guilt and the consequences of the infraction must be weighted when determining the measure of the penalty.

The disciplinary actions foreseen in this Charter do not hamper the enforcement of other penalties foreseen in other applicable legal rules.