
Code of Conduct

Institució CERCA

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CERCA Code of Conduct

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BACKGROUND

In Resolution ECO/2405/2015, of 21 October, recognising a number of Catalan research centres as CERCA centres, the Government of Catalonia established the rules under which institutions in Catalonia may be denominated as CERCA centres. CERCA centres receive financial support through the CERCA programme funded by various Government of Catalonia ministries.

Chapter IV of section 2 of Law 7/2011, of 27 July, on fiscal and financial measures, establishes the legal regime governing the centres. Article 64.1 of this Law establishes that research centres which are identified as CERCA centres must be independent, non-profit bodies with their own legal identity, based in Catalonia. Their main objective must be to carry out research at the frontiers of knowledge; the Government of Catalonia must be the founder or a partner with one or more universities or other public or private institutions. The organisation of CERCA centres must be based on:

- a) Activities based on a multi-year programme underpinned by a strategic plan, their scientific and financial activities being overseen subject to the principles of transparency and accountability.
- b) Effective governance, which includes having a solvent director with recognised management skills and broad executive powers delegated by the centre's highest governing body, in which the Government of Catalonia is represented.
- c) Flexible and efficient management, based on quality and high standards that can be measured against international benchmarks.
- d) A staff recruitment and employment system based on each centre's individual strategy, designed to attract and retain talent in line with the centre's needs and to develop an internationally competitive research sector.
- e) Regular advice and assessment provided by a top-level external scientific committee or council in accordance with the standards of excellence applicable to research and knowledge transfer.

In line with European Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers, setting out the general principles and requirements which specify the roles, responsibilities and entitlements of researchers as well as those of employers and/or funders of research, it is necessary to define a framework of good practice governing the scientific activities and management of the CERCA centres.

The CERCA Institute is the body set up by the Government of Catalonia and the Catalan Association of Research Centres (ACER) to support and coordinate CERCA centres. Its status as a neutral, independent point of contact between the CERCA centres allows it to introduce measures and undertake governance in order to address a range of issues in the research centres.

To that end, the CERCA Institute promotes the establishment of a code of conduct for CERCA centres and the creation of a CERCA ombudsperson to deal with the delicate situations that may arise in centres when scientific integrity is called into question because of a possible conflict of interest, leading to a lack of credibility in the eyes of third parties.

The CERCA centres' code of conduct, which is in line with the European Code of Conduct for Research Integrity recognised by European institutions, must be approved by the centres' governing bodies and accepted by the director and the administration manager and all staff. Individual centres may, if necessary, expand on the principles contained in the Code of Conduct

with their own regulations and, where they already have a code of conduct, it is recommended that it is aligned with the principles and procedures set out in this Code. The director of each CERCA centre must report to their governing body on the application of the code of conduct.

The application of this Code does not supersede the application of the Government of Catalonia's Code of Conduct applicable to public sector management personnel.

SCOPE OF APPLICATION

This Code covers, firstly, all directors and managers and other persons authorised by the board of trustees or governing body of each CERCA centre and, subsidiarily, the centres' other scientific (contracted or affiliated), technical and administrative employees. CERCA centres' activities based on inter-institutional partnerships must also respect the commitments contained in this Code.

THE PRINCIPLES OF THE CODE OF CONDUCT

1. Honesty and transparency. The management of the CERCA centres must encourage a culture of scientific integrity. Specifically, they must commit to always act in good faith and in compliance with current legislation. Publicly-owned centres are subject to the consultations required in accordance with the legislation on transparency established in Law 19/2014, of 29 December, on transparency, access to public information and good governance. The scientific results achieved by the centre must be public and accessible in scientific publications, the centre's website or its own publications (provided this does not contravene the basic rules on confidentiality established in current legislation, such as laws on the privacy of personal data or industrial secrecy).
2. Open access to research data. CERCA centres must apply an open science strategy, implementing a research data management plan that addresses issues such as which data can be made public. Researchers and managers in CERCA centres must manage scientific data in accordance with the [FAIR principles](#) (findable, accessible, interoperable and reusable).
3. Custody of research data, materials and substances. All raw data, records relating to substances (biological, chemical or any other type), informed consent forms, questionnaires, research results and documentation on technological activities that may be necessary to ensure results are traceable and reproducible must be securely organised and stored so they can be recovered or consulted within a set period, with a recommended minimum of 10 years from the publication date of the results or from the date the industrial property was licensed. At the same time, researchers must be encouraged to use laboratory notebooks or other storage media to record their own original experimentation work in order to support their published results and the licensing of intellectual property in disciplines where this is a key practice. These notebooks or documents are the property of the CERCA centre where the work is performed. The application of this principle does not contradict the duty of confidentiality affecting data or information subject to contractual secrecy or in accordance with the Spanish Data Protection Law (LOPD) or other current legislation or regulations.
4. Handling industrial property in CERCA centres. The intangible assets of the CERCA centres increase the institution's net asset value and, thus, generate additional responsibility for managing them. In order to conserve the intangible assets and industrial property generated by research or technological activities, or under agreements in the case of scientific partnerships, CERCA centres must ensure they measure their technologies are

measured at fair value, taking into account basic market criteria in each measurement, negotiation or transaction involving these assets and, where applicable, the criteria governing assets established by the competent managing body of the Government of Catalonia.

5. Individual commitment to good scientific practice and ethical standards. All the scientific and technical staff of each CERCA centre (including affiliated researchers) agree to comply with good scientific practice by signing a document when they begin working at the centre in which they state their commitment to striving for excellence in their scientific or management work, helping to advance knowledge in their discipline and, if applicable, facilitating the transfer of technology and the efficient management of resources. CERCA centre employees must also be aware of and comply with current legislation applicable to their work (e.g. regulations governing biomedical research, animal experimentation, genetically modified organisms, environmental impacts, etc.).

In the case of research projects with major social implications, such as research for military purposes, the board of trustees or governing body of each CERCA centre must be informed about the content of the research before the work starts.

6. Commitment and responsibility for research activities and scientific publications. All CERCA centre researchers must agree to comply with the applicable standards on scientific integrity in line with usual practice in each discipline, e.g. those of the [International Committee of Medical Journal Editors](#) (ICMJE). [The European Code of Conduct for Research Integrity](#) must be respected by default, i.e. researchers must not engage in scientific falsification, they must acknowledge the real authors of original results and must participate in and oversee any publications or results they author. It is also recommended that all articles include a statement of responsibility specifying the contribution of each author, as required by the main international scientific journals.

CERCA researchers must actively ensure they do not engage in scientific falsification when drafting proposals, implementing projects or being evaluated, and in their reports and scientific publications. Scientific falsification is defined as manipulating scientific information or documentation in order to fabricate without justification, falsify or plagiarise.

7. Coordination with the CERCA Institute and the CERCA ombudsperson. CERCA centres, through their director or any other person performing this function, are required to inform the CERCA Institute of any material breach of scientific integrity as soon as it occurs and, at the same time, bring it to the attention of the CERCA ombudsperson, applying the strictest principles of confidentiality and respect for the persons allegedly involved. Such material cases may involve the revision or retraction of published articles and may lead to disciplinary measures, or alternatively they may involve at a certain extent the directors or management of the centre.

A CERCA ombudsperson must be appointed for this purpose. This person must be independent and neutral, with powers to propose non-binding solutions that must be discussed and approved by the governing body of the CERCA centre involved. The CERCA Institute and the ombudsperson may also act *ex officio*. The ombudsperson may set up *ad hoc* consultative committees and ask for advice and coordination from the Government of Catalonia body responsible for resolving issues of scientific integrity.

In the case of international partnerships, the cooperation of the national bodies involved must be sought in order to resolve the issue, applying the principles of the [Montreal Statement on Research Integrity in Cross-Boundary Research Collaborations](#).

8. Application of standards on recruitment and promotion. Preventing conflicts of interest in CERCA centre activities. The directors and managers of CERCA centres, as the representatives of and persons responsible for their institutions, are committed to ensuring they exercise their duties without conflicts of interest, with special attention in assessments of scientific or professional merits. Matters related to the professional activities must always be developed aside from other personal activities related to, sexual orientation, political or religious beliefs. They may not accept personal gifts or preferential treatment linked to the exercise of their duties in the CERCA centre.

Publicly-owned centres must apply the Code of principles and recommended conduct for the public procurement of goods and services approved by Government of Catalonia Agreement of 1 July 2014 or any amendment to this Agreement made in accordance with current legislation on public procurement. Privately-owned centres must act in the same spirit and comply with current legislation, taking into account the fact that public bodies are represented in their foundations' boards of trustees or equivalent bodies.

9. Cooperation with the media. The work of CERCA centre staff includes providing information to the public and their political representatives when requested, ensuring scientific content is rigorous, objective and clear. CERCA centres' communications policies must make reference to the centre's affiliation to the Government of Catalonia's CERCA programme.
10. Implementation of an action plan approved under the European Commission's HRS4R award scheme. CERCA centres must prepare, select and implement an action plan that embodies the principles of the European Charter for Researchers and Code of Conduct for the Recruitment of Researchers and is approved under the HRS4R award scheme. This action plan must include a commitment to effective progress towards respect for diversity and gender balance, in line with the centre's own guidelines and plans of the centre or those of the CERCA Institute.

PROCEDURE FOR IMPLEMENTING THE CODE

1. This Code must initially be approved by the board of trustees of the CERCA Institute followed by the approval of its governing bodies.
2. Directors and managers of CERCA centres must formally accept the Code on appointment or, alternatively, within 60 days of the approval of this Code of Conduct. A copy of the Code is sent to the CERCA Institute, as set out in Annex 1.
3. Where necessary, each CERCA centre will define and adapt its internal rules and bring them in line with the Code to ensure that all staff understand and comply with the applicable commitments contained therein.
4. Before the Code comes into force in CERCA centres, in order to make any internal changes necessary, there will be an adaptation period of one year from the date on which the Code is approved by the CERCA Institute.
5. Any changes to the provisions contained in current legislation are understood to be automatically applicable within the framework of this Code of Conduct.

THE TEN PRINCIPLES

1. Honesty and transparency.
2. Open access to research data.
3. Stewardship of research data, materials and substances.
4. Handling industrial property in CERCA centres.
5. Individual commitment to good scientific practice and ethical standards.
6. Commitment and responsibility for research activities and scientific publications.
7. Coordination with the CERCA Institute and the CERCA ombudsperson.
8. Application of standards on recruitment and promotion, preventing conflicts of interest in CERCA centre activities.
9. Cooperation with the media.
10. Implementation of an action plan approved under the European Commission's HRS4R award scheme.

ANNEX 1

Acceptance of the CERCA Code of Conduct

Acceptance of the Code of Conduct by the directors and managers of CERCA centres.

I, the undersigned,, holder of the post of at [date], as appointed by on [date] and in accordance with the employment contract signed on [date]

Hereby declare,

That I am aware of and fully accept the content of the CERCA Code of Conduct and accept responsibility for ensuring its implementation and for reviewing the centre's internal rules and procedures to ensure they comply with the principles of conduct on which the document is based and all the obligations contained therein.

Signed in witness thereof, in [place] on [date]



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