

ORDER RT.80/2020

Subject: University of Algarve Code of Conduct

Subsequent to public consultation, the University of Algarve Code of Conduct is published in the annex to this Order.

Faro, 21 July 2020

The Rector

UNIVERSITY OF ALGARVE CODE OF CONDUCT

Pursuant to Article 19 of Law 52/2019 of 31 July, which approves the regime for the exercising of functions by holders of political positions and high public offices, public entities must adopt codes of conduct, covering, in particular, matters relating to institutional offers and hospitality.

By means of this Code of Conduct, the intention is to comply with the aforementioned legal requirement and establish the general principles and rules of conduct to be adopted by all University of Algarve employees, irrespective of the nature of their functional legal bond with it.

In the context of preventing and suppressing corruption, special mention is due to the recurring concern of the Council of Europe and the United Nations, as a result of which a recommendation was sent to States with the aim of approving codes of conduct to guide the activity of employees working in Public Administration.

Parliamentary Resolution no. 47/2007 of 21 September approved the Convention against Corruption, adopted by the United Nations General Assembly on 31 October 2003, and requires public bodies to *promote education and training programmes that allow them to meet the requirements for the correct, dignified and adequate performance of public duties, ensuring that employees receive specialised and adequate training aimed at increasing their awareness of the risks of corruption inherent to the performance of their duties. Said programmes may make reference to applicable codes or standards of conduct.*

Within the scope of the *Guide to Good Practices for Preventing and Combating Corruption in Public Administration*, the Corruption Prevention Board's recommendation to public entities is the *[promotion of] an organisational culture that avoids corruption by implementing codes of conduct that hold all employees ethically responsible*, in light of the existence of *various factors that could give rise to situations where there is a risk of corruption.*

The aforementioned Guide also recommends *taking a proactive approach to combating corruption, including the introduction of policies and the drawing up of realistic anti-corruption programmes and plans, as well as standards or codes of conduct for public officials and holders of political office, thereby ensuring that public duties are carried out ethically and in suitable fashion for the pursuit of the public interest.*

Similarly, the European Court of Auditors, whose responsibilities include the effective and regular management of public resources, defends the use of codes of conduct as a means of publicly acknowledging principles and ethical values.

Subsequent to this line of action, the Government's Code of Conduct was approved and published as an annex to Council of Ministers Resolution no. 53/2016 of 8 September. It sets out the conditions under which members of the Government or its respective offices may accept offers or invitations from private entities and the maximum value of same. The same rules apply to senior managers in Public Administration.

A code of conduct for public servants is primarily intended to: *i)* set out the ethical principles to be upheld in public service; *ii)* specify the standards of conduct expected of public servants; and *iii)* inform the public of the conduct and attitude that they should be able to expect from public servants in their interactions with them.

Whereas all employees and directors of the University of Algarve should ensure that their attitude and behaviour are irreproachable and that they interact with different audiences with excellent integrity and rectitude; and whereas the University of Algarve is bound to respect and safeguard the rights, freedoms and guarantees enshrined in the Constitution of the Portuguese Republic and in Law, and pursuant to Article 25, paragraph 6 of Law 52/2019 of 31 July, it is important to approve a code of conduct formally setting out the organisation's ethical commitments. Said code will make a significant contribution to the fulfilment of the organisation's goals, with a view to ensuring and fostering an image of responsibility, independence and integrity, thus enhancing the quality, rigour and credibility of the public service rendered.

The University of Algarve Code of Conduct sets out the rules governing the conditions and pecuniary limits of offers and invitations from Portuguese and foreign private individuals and legal entities, and from foreign public legal entities.

This Code of Conduct does not revoke the Charter of Rights and Duties of the Academic Community approved at the General Board Meeting on 28 January 2013, whose purpose is different.

Following the public consultation on the regulatory project, jointly pursuant to Articles 97 to 101 of the Code of Administrative Procedure and to Article 110, paragraph 3, of Law 62/2007 of 10 September, which approves the Legal Regime Governing Higher Education Institutions [abbreviated, in Portuguese, to RJIES], and having heard the Academic Senate, pursuant to Article 38, paragraph 3, subparagraph l) of the Statutes of the University of Algarve, the University of Algarve Code of Conduct is approved, pursuant to Article 92, paragraph o) of the RJIES, and to Article 33, paragraph 1, subparagraph r) of the Statutes of the University of Algarve, ratified by Regulatory Order 65/2008, published in the *Diário da República*, 2nd series, number 246, dated 22 December.

Article 1.

Object and Scope of Application

1. The University of Algarve (UALg) Code of Conduct establishes the set of general rules and principles of ethics and professional conduct that should guide the activity of all those who work at UALg, irrespective of the nature of their contractual relationship, and who contribute to the pursuit of its mission, without prejudice to the observance of other duties required by law.
2. The provisions contained in the UALg Code of Conduct apply, without exception, to staff in the rector's office, members of the governing or management bodies of the Organic Units, holders of senior management positions and similar positions, holders of intermediate management positions, hereafter referred to as directors, and also to professors and

researchers, non-teaching and non-research staff, grant holders and trainees, hereafter generically referred to as UAlg employees.

3. The application of and compliance with the Code of Conduct shall not prejudice compliance with other legal and regulatory provisions, as well as other internal regulations, namely, in terms of rights, duties and responsibilities.

Article 2. Applicable Law

1. This Code of Conduct is governed by the Constitution of the Portuguese Republic, the primary law and the secondary law of the European Union, the applicable national and international legislation and the ethical principles of Public Administration, embodied in the Public Administration Ethics Charter.
2. When carrying out their activities, duties and responsibilities, with a view to pursuing the mission, vision and management policy of the University of Algarve, the University's directors and employees are exclusively at the service of the public interest; as such, they are subject to the Constitution of the Portuguese Republic and the Law, and they are required to behave responsibly and ethically, in strict compliance with the principles set out in this Code of Conduct.

Article 3. Principles

1. When carrying out their duties, UAlg directors and employees must abide by the following general principles of conduct:
 - a) Pursuit of the public interest and good administration;
 - b) Transparency;
 - c) Impartiality;
 - d) Probity;
 - e) Integrity and honesty;
 - f) Politeness;
 - g) Inter-institutional respect;
 - h) Guarantee of confidentiality in respect of restricted information that may come into their possession while performing their duties.
2. When performing their duties, UAlg directors and employees must also act and make decisions solely on the basis of defending the public and institutional interest; they may not enjoy any financial or material benefits, whether direct or indirect, for themselves or for third parties, or any other form of undue gratuity offered by virtue of their position.

Article 4.

Prevention of Corruption

1. UAlg directors and employees must be proactive in combating all forms of active or passive corruption, namely: economic and financial crime, money laundering, influence peddling, illegitimate appropriation of public goods, mismanagement, embezzlement, economic participation in business, abuse of power or violation of the duty of secrecy, acquisition of property or securities, and the obtaining or illicit use of privileged information while performing the duties entrusted to them.
2. For the purposes of the provisions of the previous number, UAlg employees will decline gifts, benefits or advantages from third parties, especially favours and complicities that may translate into illicit advantages, even if they constitute subtle forms of corruption. They must also abstain, under all circumstances, from taking advantage of their professional status to obtain benefits or preferential treatment or undue personal advantage that could jeopardise their discretionary judgement, freedom of action and the credibility of the institution.

Article 5. Duties

When performing their duties, UAlg directors and employees must:

- a) Refrain from any action or omission, exercised directly or through an intermediary, which could objectively be interpreted as an attempt to unduly benefit a third person, whether natural or legal;
- b) Refuse offers or any of the benefits detailed in Article 11 in exchange for carrying out any action, omission, vote or enjoyment of influence over the making of any public decision;
- c) Refrain from using, or allowing third parties to use, public goods or resources that are exclusively made available to them for the performance of their duties, outside of reasonable and socially appropriate parameters;
- d) Adopt appropriate measures for a more efficient use of the resources made available by the University of Algarve.

Article 6. Relations with the Public Administration

1. When performing their duties, UAlg directors and employees must foster good working relations with Public Administration departments and bodies, and must always be courteous, impartial, fair, diligent and cooperative when acting in the public interest.
2. Whenever UAlg is asked by Public Administration services or by competent Portuguese and European services or bodies to collaborate in monitoring procedures, inspections or criminal investigations, UAlg's directors and employees must cooperate with them, in the exercise and scope of their

responsibilities. They must do so diligently, proactively and courteously, refraining from any behaviour that could prevent or hinder the prompt and effective processing of the task at hand.

Article 7.
Relations with suppliers and service providers

1. When performing their duties, UAlg directors and employees must abide by the rules and principles of public procurement, as set out in the Code of Public Procurement and other applicable legislation.
2. In the pursuit of its mission and the scope of its responsibilities, UAlg is governed by the principle of legality; it strictly complies with the guiding principles of administrative activity, honouring its contractual commitments, and also expecting its co-contractors to comply properly and fully with the obligations arising from the respective legal relationships they establish.

Article 8.
Conflicts of interest

A conflict of interest will be deemed to exist in situations where the impartiality of a director's or employee's conduct or decision could reasonably and seriously be called into question pursuant to the standards set out in Articles 69 and 73 of the Code of Administrative Procedure and Article 1-A of the Code of Public Procurement.

Article 9.
Elimination of conflicts of interest

1. In the event of a conflict of interest, Vice-Rectors, Pro-Rectors, office holders and members of UAlg's governing and management bodies and their directors must inform the Rector of the situation.
2. Any director or employee who is faced with an actual or potential conflict of interest must immediately take the necessary measures to avoid, remedy or put an end to the conflict in question, pursuant to this Code of Conduct and the applicable legislation.

Article 10.
Offers, benefits, advantages and invitations

1. Without prejudice to the provisions of the previous article, directors and employees must not, under any circumstances, request or accept benefits, advantages or offers of consumable or durable goods from Portuguese or foreign private individuals and legal entities if, by so doing, they impact the impartiality or integrity of the performance of their duties.
2. For the purposes of this Code of Conduct, it is deemed that the acceptance of goods whose estimated value is equal to or greater than €150 (one hundred fifty euros) may impact impartiality and integrity in the performance of duties.

3. In cases where a director or employee accepts hospitality or an offer which, due to its value and nature, is considered to be within the normal limits of courtesy, and which presents a symbolic or commercially negligible value, they must carefully consider whether accepting the offer may influence their impartiality or damage the trust placed in them.
4. The value of any offers is calculated by taking into account all of the offers made by the same natural or legal person during the course of a calendar year.
5. In the case of offers whose refusal would or could be interpreted as a breach of inter-institutional respect, namely, in the context of relations between Portuguese or foreign public or private entities, said offers must be accepted on behalf of UAlg or, where appropriate, of the Organic Units, even if their value exceeds the amount set out in number two above.
6. The following exceptions apply to the previous numbers:
 - a) Invitations or similar benefits related to participation in official ceremonies, juries, assessment panels, conferences, congresses, seminars, fairs or other similar events that correspond to consolidated social and institutional customs; when there is a relevant public interest in the presence of UAlg directors or employees; or when they are expressly invited in that capacity, thus ensuring an official representation role that cannot be assumed by third parties;
 - b) Invitations or similar benefits from foreign States, international organisations or other public entities, within the scope of participation in a summit, ceremony or formal or informal meeting, when UAlg directors or employees are expressly invited in that capacity.

Article 11.

Duty of communication and registration

1. The Rector of the University must be informed in writing of any breach of the principles and rules established in this Code of Conduct, with a detailed description of the circumstances including when, where and how the breach occurred.
2. The offers referred to in Article 10, paragraph 5, must be handed in to the Central Archive, which keeps a permanent and up-to-date record of offers that is available for public consultation.
3. The procedure set out in the previous number also applies in cases where a director or employee is given the responsibility of making an institutional offer.
4. Members of the public wishing to view the register of offers must submit a request to the Rector of the University of Algarve or to the Director of the Organic Unit, as applicable.

5. Organic Units must indicate on their web pages which department will be responsible for the register of offers and hospitality, which the public may consult whenever requested.
6. Whenever it is deemed appropriate, the offers referred to in number one above should be donated to charity.

Article 12.
Accumulation of functions

Directors and employees who take on other public duties or private activities in addition to their functions at UAlg must abide by the applicable legal provisions and contact their superior in timely fashion in order to obtain any necessary authorisation. Failure to do so will result in disciplinary action.

Article 13.
Personal data protection

Directors and employees who become aware of or access personal data relating to natural persons are obliged to abide by the legal provisions relating to the protection of such data, and may not use them other than for the purposes that are legally required or are inherent to their duties.

Article 14.
Confidential information

1. UAlg directors and employees may not disclose or make known information obtained in the performance of their duties or as a result of such performance, even after the cessation of the same, unless the information in question has already been made public or is publicly available.
2. The obligation set out in the previous number does not apply to the provision of non-confidential information that is required for the task at hand to be done properly.
3. While performing their duties or after their suspension or cessation, UAlg directors and employees may not directly or indirectly make available or use, either for their own benefit or that of third parties, any information that they have knowledge of or to which they have had access in the performance of their professional activity or as a result of same.

Article 15.
Breach of the Code of Conduct

1. Any breach by UAlg directors and employees of the rules of ethics and conduct set out in this Code must be reported to a superior, without prejudice to the possibility of reporting the matter directly to the competent authorities.

2. Failure to report such a matter will result in disciplinary and/or penal liability.
3. In cases where the actions of a director or employee could be considered a criminal offence, they must be reported to the Public Prosecutor pursuant to Article 179 of the General Public Service Employment Law.
4. Having received a report of alleged breach of this Code of Conduct, and pursuant to Article 178 of the General Public Service Employment Law, the Rector of the University of Algarve shall instigate disciplinary proceedings within a period not exceeding 60 days.
5. Persons reporting such cases shall be guaranteed the necessary protection, with a view to preventing possible reprisals, discriminatory or unfair treatment or possible sanctions.

Article 16.
Individual commitment

1. Compliance with the rules set out in this Code of Conduct requires professionalism, awareness and discernment on the part of UAlg directors and employees, who may suggest initiatives that would contribute to the reinforcement of the rules established herein whenever they deem it appropriate.
2. In particular, directors are required to show exemplary behaviour with regard to compliance with the principles and rules set out in this Code of Conduct, and must also make every effort to ensure they are complied with in their entirety.

Article 17.
Validity and dissemination

The University of Algarve Code of Conduct shall enter into force after its ratification and on the day following its publication in the *Diário da República*.