

Ethics and Scientific Integrity Charter

Definitions

Ethics¹ is a set of duties and rules governing the exercise of the French National Research Agency's (ANR) missions to which are subjected the members of the Governing Board and the internal and external employees of the ANR², including those from the private sector³. It is a code of conduct that they must respect.

Scientific integrity is the set of rules and values that must govern research activity, to ensure that it is honest and scientifically rigorous and which the ANR must promote⁴. It is a prerequisite for maintaining the trust society places in the research community. Research ethics relates to the issues raised by scientific progress and their societal implications⁵.

General Framework

The ANR is a public administrative body under the authority of the Minister of Research, whose mission⁶, is to finance and promote the development of fundamental and targeted research, technical innovation and technology transfer as well as partnerships between the public and private sectors.

¹ Dictionnaire de l'Académie Française, 9th edition: <http://www.cnrtl.fr/definition/academie9/deontologie>

² Staff of the ANR, staff on secondment to the ANR, members of evaluation panels, peer reviewers, regardless of their status, including occasional Agency employees.

³ Due to the execution of the public service missions/duties entrusted to them by the ANR.

⁴ Circular N°2017-040 of 15 March 2017 (NOR: MENR1705751C) of the Secretary of State for Higher Education and Research on the Policy of Scientific Integrity in Higher Education Institutions and their mergers, research organisations, scientific cooperation foundations and institutions contributing to the public service of higher education and research, hereinafter referred to as "research operator(s)", and to the handling of cases concerning breaches of scientific integrity: http://circulaire.legifrance.gouv.fr/pdf/2017/03/cir_41955.pdf

⁵ See the CORVOL report "Overview and propositions of implementation of the national scientific integrity charter", p. 8:

http://cache.media.enseignementsup-recherche.gouv.fr/file/Actus/84/2/Rapport_Corvol_29-06-2016_601842.pdf

⁶ Decree n°2006-963 of 1st August 2006, as amended, on the organisation and operation of the ANR:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006054155&dateTexte=20180129>

In order to fulfil this mission, the ANR allocates grants to research and technological development projects selected through calls for tenders (call for proposals). In this context, it sets up a selection process based on the fundamental principle of peer evaluation.

The members of the ANR Governing Board and the internal and external employees of the ANR, by participating in the public service missions it performs, are subject to a set of rules, values and ethical obligations applicable to civil servants.⁷

In addition to this normative framework, the French National Charter for Research Integrity⁸ specifies the principles of integrity that those involved in research - including the ANR - undertake to respect in their research or the research support missions for which they are responsible.

As such, the ANR promotes a research culture based on integrity and must ensure compliance with good practices in ethics, transparency and good management of public funds at all stages of its processes.

The ANR's code of ethics and scientific integrity expresses the general meaning, principles and rules of action and behaviour that the ANR as a whole, its internal and external employees and its administrators undertake to respect in the work they carry out or perform for the ANR.

Everyone must apply the principles of this charter in their activities they carry out on behalf of the ANR, without exception, inside and outside the ANR.

The ANR undertakes to take appropriate measures in the event of failure to comply with the rules thus laid down. The practical applications of this charter will be specified in a procedure currently

Duties and Ethical Principles

• *Promote a culture of research integrity*

The internal and external employees of the ANR and members of the ANR Governing Board must report any breaches of scientific integrity they may come across during their mission and abstain from committing any such breaches.

Scientific fraud and the concealment of conflicts of interest constitute serious forms of misconduct and acts of scientific incivility which undermine the relationship of trust with society.

The internal or external employees of the ANR and members of the ANR Governing Board must refrain from any form of fraud.

⁷ Cf. Law N° 83-634 of 13 July 1983, as amended, on the rights and obligations of civil servants, incorporating the provisions of law N° 2016-483 of 20 April 2016 relating to ethics and the rights and obligations of civil servants:

https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=F6C1A5DB279FEE67099240C13240F5C1.tplgfr41s_1?cidTexte=JORFTEXT00000504704&idSectionTA=LEGISCTA000032441389&dateTexte=20180109&categorieLien=id#LEGISCTA000032441389

⁸ Cf ANR website

- Plagiarism:
 - o Plagiarism is the act of using the content of someone else's documents, information, ideas, data or results, in whole or in part, regardless of the source, nature or media without the author's consent or without appropriately citing the sources.
 - o In particular, the internal and external employees of the ANR must not use take credit for the content, information, ideas, results or data resulting from someone else's pre-proposals, project proposals or projects which they may have come across⁹ as part of the ANR's processes.
 - o When plagiarism concerns intellectual property rights, provisions relating to infringement¹⁰ may apply.
- Fabrication of data:
 - o The fabrication of data is the act of inventing data or results in whole or in part.
- Falsification of data:
 - o The falsification of data is the act of voluntarily omitting, excluding, selecting or modifying certain data, results, information, graphs, charts, images, etc.

Promoting a culture of scientific integrity means the ANR has a duty of:

- Vigilance and prevention in order to detect acts or behaviour contrary to the aforementioned ethical principles
- Raising awareness and training on ethical principles, the penalties incurred and the main criminal offences likely to be constituted: granting unjustified advantages, illegal conflict of interests, corruption and influence peddling, discrimination.

• *Promote equality between men and women*¹¹

The law encourages parity¹² and the ANR, in keeping with its commitment to changing scientific culture towards greater gender equality, ensures that parity is respected in all its bodies and panels and that the sex and/or gender aspect is considered in the research projects submitted to its call for proposals, regardless of the research area.

• *Loyalty and successful completion of the tasks entrusted*¹³

Within the framework of their mission or duties for the ANR, internal or external employees of the ANR and members of the ANR Governing Board are responsible for

⁹ That is, appraised, analysed, evaluated, or with regard to which they are required to express an opinion about

¹⁰ Of the French intellectual property code

¹¹ Paragraph 1 of Article 6a, law n°83-634 of 13 July 1983: "No distinction, whether direct or indirect, may be made between civil servants based on their gender".

¹² Cf. Article 1, Law N°2014-873 of 4 August 2014 for real equality between men and women

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029330832&dateTexte=20180129> and article 165 of law N° 2017- 86 of 27 January 2017 relating to equality and citizenship, incorporated in article 6a of the aforementioned law N°83-634.

¹³ Article 28 of the aforementioned law N° 83-634 of 13 July 1983

carrying out the tasks they have been entrusted with by the ANR and must comply with the instructions it gives them, through their immediate superior when necessary¹⁴.

These principles presuppose loyalty in the exercise of one's mission or duties and the respect of orders, instructions, etc. of any kind.

• *Professionalism*

Each internal or external employee of the ANR and each member of the Governing Board must demonstrate professional responsibility.

Their commitment to the missions entrusted to them must respect the codes in force, the collective rules of operation and good conduct, respect for others, including work colleagues¹⁵, mutual trust. Sincerity and transparency are expected as well as subscribing to a quality approach and continuous professional development.

The internal and external employees of the ANR as well as the members of the ANR Governing Board undertake to respect the procedures and rules laid down by the ANR which are applicable to the missions they carry out on its behalf.

These principles must also be pursued by the internal and external employees of the ANR and the members of the ANR Governing Board in their relations with the user audiences¹⁶.

• *Performance of duties with impartiality, integrity, probity and duty of neutrality*¹⁷

The internal and external staff of the ANR and the members of the ANR Governing Board must perform their duties for the ANR with impartiality, integrity and probity. They are expected to be completely honest.

- Probity and integrity:
 - Internal and external employees of the ANR and members of the ANR Governing Board must not use department resources, for the performance of their missions/duties, for personal use
 - This principle prohibits them from perceiving any interest/advantage in exchange for exercising any direct or indirect influence on the conduct of the ANR's missions. This duty is linked to the obligation of devoting oneself to one's duties.

- Impartiality:
 - Implies equal treatment between applicants, project initiators and beneficiaries.

¹⁴ Except where the order is obviously unlawful and is likely to seriously undermine public interest (article 28 of the aforementioned law N°83-134)

¹⁵ For internal employees

¹⁶ Third parties and contracting partners

¹⁷ Article 25 of the aforementioned law of 1983 and article 1 of law N° 2016-483 of 29 June 2016 relating to ethics and the rights and obligations of civil servants

- Neutrality:
 - o Internal and external employees of the ANR and members of the ANR Governing Board must be neutral and respect the principle of religious neutrality.
 - o The public service's principle of neutrality prohibits the use of its duties or mission as an instrument of propaganda, or of any action aimed at promoting, gaining acceptance, imposing certain ideas which are contrary to the interest of the public service conveyed by the ANR or to its interest, discrediting it, or harming it in any way.

- Independence:
 - o The internal and external employees of the ANR and the members of the ANR Governing Board must refrain from any physical or non-physical link or from any situation likely to jeopardize their independence. No personal interest of any kind shall govern the conduct of their mission or duties for the ANR. Only public service interest in the respect of the ANR's missions must be pursued.

The evaluation or peer review of research projects and, more generally, the participation in ANR panels, monitoring and other processes implies complete independence, neutrality and impartiality. The ANR must be able to guarantee the quality of compliance with these requirements.

• *Non-cumulation of activities*¹⁸

Public employees are subject to a principle of exclusivity, prohibiting them from exercising a professional activity outside their employment in the administration. This principle has some exceptions¹⁹. Among them, holding a capital interest in a company, exercising another public job or another function may be authorised under certain conditions. Specific arrangements are made for research staff, who may be authorised to set up a business to enhance their research or provide scientific support to companies.

Likely to give rise to a conflict of interest, this type of activity must be declared to the ANR²⁰

• *Put an end to and prevent conflict of interest situations*²¹.

A conflict of interest arises from a situation in which the interests of a person are likely, by their nature and intensity, to call into question their impartiality or independence in the exercise of the mission or duties entrusted to them by the ANR.

In order to stop and prevent situations of conflict of interest, the ANR has set up a comprehensive system for the prevention and management of these conflicts, which, in addition to this Charter, includes:

- Declarations of interests
- A procedure for preventing and managing conflicts of interest

¹⁸ Article 25 septies of the aforementioned law N°83-634 of 13 July 1983, as amended by law N°2016-483 of 20 April 2016 relating to ethics and the rights and obligations of civil servants

¹⁹ The aforementioned Article 25 septies (or article 7 of the aforementioned law 2016-483) and Decree N° 2011-82 of 20 January 2011 amending decree N° 2007-658 of 2 May 2007 relative to the cumulation of activities by public servants, contractual employee working for a public administration and manual workers in Government industries.

²⁰ Cf. declaration of interest

²¹ Article 25a of the aforementioned law N° 83-634 of 13 July 1983

- The appointment of an ethics and scientific integrity officer
- Training on the prevention and management of conflicts of interest.

The internal and external employees of the ANR and the members of the ANR Governing Board must limit ties that may constitute a conflict of interest or suspicion of a conflict of interest in the exercise of their mission. They “*must be vigilant to immediately stop or prevent situations of conflict of interest in which they are or appear to be*”²².

As such, when they are appointed or take up their duties, they must declare any present or past links that may bias their judgement and constitute a conflict of interest or a suspicion of conflict of interest²³.

Additionally, the procedure to prevent and manage conflicts of interest²⁴ outlines:

- What to do to prevent conflicts of interest
- The procedures for recording and processing declarations
- How to manage conflicts of interest
- Sanctions applicable in case of breaches.

The ethics and scientific integrity officer is designated by the ANR to handle any questions relating to conflicts of interest. Their missions are specified in the aforementioned procedure.

Specific training relating to the prevention and management of conflicts of interests for internal and external employees of the ANR are organised under the responsibility of the ethics and scientific integrity officer.

• *Protect whistleblowers*²⁵

*A whistleblower is a physical person who exposes or reports, selflessly and in good faith, a crime or an offence, a serious and obvious breach (...) of law or regulation, or a serious threat or harm to the public interest, of which he has personal knowledge*²⁶. The protection of whistleblowing internal or external employees of the ANR or members of the ANR Governing Board concerns the exposure of crimes and offences and conflicts of interest.

The whistleblowing employee or member of the Governing Board cannot be sanctioned for having exposed a conflict of interest in good faith. No adverse action can be taken against them.

• *Confidentiality, professional secrecy and professional discretion*

The internal and external employees of the ANR and the members of the ANR Governing Board are bound by professional secrecy and the obligation of professional discretion for information which may have come to their knowledge during the work carried out

²² Article 25a of the aforementioned law N°83-634 of 13 July 1983 and Paragraph 2 of article 40 of the French code of criminal procedure

²³ Hypertext link to the DIS

²⁴ Insert hypertext link to ANR website

²⁵ Cf. Article 10 Law N° 2016-1691 of 9 December 2016 relating to transparency, the fight against corruption and the modernisation of economic life, incorporated into article 6 ter A of law 83-634 of 13 July 1983.

²⁶ Article 6 of the aforementioned law of 9 December 2016

as part of their mission or duties for the ANR. In addition, they undertake not to use said data for personal use.

- *Professional secrecy*²⁷

The internal or external employees of the ANR and the members of the ANR Governing Board must not disclose any personal information (relating to family life, emotional life, image, state of health, etc.), which may have come to their knowledge during their mission or duties for the ANR. This principle is subject to exceptions, its lifting may be permitted or mandatory in certain cases.

- *Obligation of professional discretion*²⁸

The internal or external employees of the ANR and the members of the ANR Governing Board must exercise professional discretion for all the facts, information or documents to which they have access in the performance of their duties or mission for the ANR.

Except in the cases expressly provided for by the regulations in force, particularly as regards freedom of access to administrative documents, they may be released from this obligation of professional discretion only with the authorisation of the ANR.

- *Discretion*

The internal and external employees of the ANR and the members of the ANR Governing Board must exercise restraint and discretion in the written and oral expression of their personal opinions.

This obligation of discretion concerns the opinions that they could emit in the context of the mission or duties they perform for the ANR, and also requires them to avoid behaviour that may affect its image, that of its representatives, its Governing Board members or that of its internal or external employees.

- *Transparency and public information*²⁹

The ANR undertakes to make its evaluation and selection processes fully and comprehensively public and to inform interested parties of the reasons for its unfavourable decisions and the decision-making criteria.

²⁷ Cf. Paragraph 1 of article 26 of the aforementioned law N°83 -634 of 13 July 1983 and articles 226-13 and -14 (exemptions) of the French Criminal Code: *“The disclosure of secret information by a person entrusted with such a secret, either because of his position or profession, or because of a temporary duty or mission, is punished by one year’s imprisonment and a fine of €15,000”*

²⁸ Cf. Paragraph 2 of article 26 of the aforementioned law N° 83-634 of 13 July 1983

²⁹ Cf. Article 27 of law N°83-134 of 13 July 1983. This obligation stems from law N° 78-753 of 17 July 1978 on various measures to improve relations between the administration and the public, as amended by Law No. 79-587 of 11 July 1979 on the motivation of administrative acts and the improvement of relations between the administration and the public

In the follow-up phase, the ANR also ensures that any adverse decisions it may make during the research project are motivated.

These principles apply subject to the duties of professional secrecy and discretion³⁰ and the provisions relating to the computerised processing of personal data³¹.

Any breach of this charter, whether it is a breach of a professional or ethical obligation or constitutes a common law offence committed by an employee of the ANR or a member of the ANR Governing Board in the performance of their duties or mission, exposes them to disciplinary measures (gross misconduct³²), without prejudice, if any, to the penalties provided by criminal law in particular for any act of passive corruption and influence peddling³³, illegal conflict of interest³⁴, favouritism³⁵, discrimination³⁶.

³⁰ Cf. article 26 of law n°83-634 of 13 July 1983

³¹ Subject to the provisions of Law No. 78-17 of 6 January 1978 relating to data, files and freedoms.

³² Cf. aforementioned CORVOL report, p. 11.

³³ Article 432-11 of the French Criminal Code

³⁴ Article 432-12 of the French Criminal Code

³⁵ Article 432-14 of the French Criminal Code

³⁶ Article 432-7 of the French Criminal Code