

“Peñalver Code”

(Approved by Resolution of the University Assembly adopted in its session on November 29, 2005).

I. Preliminary considerations

1. The Ethical Code is understood as the guiding principle or model that should inspire the behaviour of the members of our University.
2. The ethical duty of the University member is an obligation deemed valuable by the entire university community, and its compliance is enforced without external coercion upon every University member who voluntarily internalizes it, that is, freely and rationally. It applies solely to those behaviours and habits that engage and involve each student in their interactions with other individuals within the university community.
3. This Code, like any guiding principle or ethical framework, has a specific "obligation" based on the moral reasons that justify it, and its strength lies in the power that each one attributes to these internal determinations of human decision.
4. Therefore, this Ethical Code cannot be promulgated as if it were a Law or Statute because its mode of imposition does not consist in the application of an act that "must be" made real but in a valuable action that "ought to be" fulfilled. This ethically valuable action cannot be imposed; it can only be inspired, described, elucidated, or interpreted. An Ethical Code only makes sense and has force because it verbalizes what already exists in some way in the consciousness of those it seeks to apply to.
5. The strength of ethical behaviour depends precisely on its lack of legal or administrative obligatory nature. Its non-compliance, therefore, will not trigger any external sanctions. The ethical-moral subject self-evaluates their own conduct. A conduct that may evoke the esteem, admiration, or recognition of other members of the university institution in which they live.
6. There are norms, laws, or administrative provisions that may be wholly or partially inspired by the model of ethically valuable conducts. In this case, these ethical

conducts acquire, in some way, an added legal obligatory nature that they would completely lack if considered purely ethical actions. In turn, laws or legal or institutional norms inspired by the ethically valuable gain, thanks to this inspiration, additional foundation and justification that gives them a value that will enhance their legally obligatory nature.

7. Ethical behaviours only bind their authors. Their evaluation, positive or negative, should not be transferred to academic or administrative collectives (Areas of knowledge, Departments, Centres, professional levels, etc.) to which the individual belongs. Therefore, expanding ethical condemnation to these collectives is as harmful and unfair as using them as a protective barrier to blur or conceal individual shortcomings.
8. Rumours should not be admitted under any circumstances as a way of conveying the moral quality of members of the university community. Rumours distort the message they try to convey because they hide, under anonymity, confusion, and secrecy, the poor evidential argumentation that accompanies them. Everyone should respond with silence and rejection to the spread of this insidious poison that is a rumour, a true corrupter of our institutions.
9. Clientelism. Many ethically objectionable behaviours originate in one of the perversions that most insidiously poison and corrupt the life of our institutions: clientelism. There are individuals who, consolidating their legally, honestly, and democratically obtained power (professional, academic, or administrative), illicitly expand that power by invading the competencies of other individuals and other domains. To perpetuate themselves in these anomalous positions of power, they use ethically questionable procedures that, without violating legality, border on violence, coercion of consciences, and a perverse logic of dependence. These arbitrary centres of power disturb and corrupt university institutional life and sometimes contaminate it beyond the academic or administrative scope where they originated.
10. This Ethical Code is inspired by the basic values that our University considers its own, such as transparency, participation, plurality, dialogue, critical thinking, solidarity, recognition of diversity, commitment to environmental preservation, consensus, the pursuit of continuous improvement, and the ability to adapt to changes. The University of Cádiz aspires to be creative, dynamic, innovative,

entrepreneurial, and proactive, with a team spirit and a commitment to public service and involvement in a common project.

II. Academic positions

11. Individuals in academic positions, like all members of the university community, are subject to the laws of our country and the statutory and regulatory provisions that concern them. Therefore, they are accountable to these instances as citizens and as civil servants.
12. Ethically questionable behaviours of individuals in academic positions are those that, without contravening any existing legal or statutory norm, repeat or resemble some of the objectionable behaviours listed below:
 - 1) Abuse of power as an overstepping of the privileged position or inherent domination of the position.
 - 2) Abuse, i.e., the unnecessary and superfluous use of the means that the administration makes available to academic positions to fulfil their function: allowances, work lunches, travel, official vehicles, furniture, etc.
 - 3) In problem resolution, ethically questionable are the fragility of the foundation, the indeterminacy of agreements, the unjustified postponement of decision-making beyond the deadlines stipulated by law, as well as any decision that fuels suspicions of favouritism and lack of equity.
 - 4) Ethically reprehensible are neglect and lack of respect, unjustified delays in the start of meetings, disorganization in the development of the agenda, lack of preparation and documentation of topics, confusing drafting of meeting minutes, etc.
13. "Being ethically responsible" means for an individual in an academic position to be accountable for any decision that leads to an ethically objectionable or questionable behaviour. Ethical responsibility is owed to the entire university community, not just to the voters from whom the power or delegation of powers was received.
14. Each individual in an academic position is ethically accountable (not just legally or administratively) to the university community for decisions made individually and those taken collectively in which they have participated, either as president or as a

member. In general, the non-recognition (public, voluntary, and spontaneous) of the error or fault committed in a decision-making process, regardless of the administrative sanction that may be imposed on the responsible party, is an element that aggravates the fault or error committed.

15. Being accountable involves making one of the following decisions depending on the importance or seriousness of the error or ethical fault committed:

- 1) Being accountable involves making one of the following decisions depending on the importance or seriousness of the error or ethical fault committed.
- 2) Unambiguously declare oneself solely responsible for the error committed and accompany this declaration with the public presentation of apologies directed to the person or group that may have been considered harmed or affected by that action or negligence.
- 3) Unambiguously declare oneself solely responsible for the error committed and consider that the seriousness of the matter requires as the only ethically valuable reparation, the irrevocable and immediate resignation of the position. Resignation is a self-sanction that admits that one has been unfaithful to one of the promises made at the assumption of the position.
- 4) Declare oneself co-responsible for having supported the decision-making process adopted by a group that led to ethically negative behaviour and publicly apologize either on one's own behalf or by adhering to the apologies presented by the collegiate body that made the ethically questionable decision.
- 5) Declare a person freely appointed by the declarant responsible for the action (responsibility *in vigilando*) and publicly admonish them.
- 6) Declare the person appointed freely by the declarant responsible for the action and, depending on the gravity of the case, either dismiss them from their duties or reduce or modify their responsibilities.
- 7) The situations described in 4), 5), and 6), depending on the gravity of the error committed, may necessitate the voluntary resignation of the declarant's own position.

III. Teaching and Research Staff

16. Professors and researchers, like all members of the university community, are subject to the laws of the country and to the statutory and regulatory provisions of the university institution to which they belong, regardless of their professional status (civil servant, contracted, interim, etc.). Therefore, they are accountable to these authorities both as citizens and as professionals.
17. Ethically questionable behaviours of professors and researchers are those which, while not directly contravening any current legal, academic, or statutory norms, coincide with some of the doubtful or objectionable behaviours described below:
 - 1) Inappropriate and irresponsible use, that is private use (non-incidentally or in cases of emergency), of the inherent position of power and the resources provided by the institution to fulfil their teaching and research duties: telephone, bibliographic material, office supplies, per diems, travel expenses, furniture, etc. Deliberate misappropriation of these inventory items, which would exceed what is ethically acceptable and warrant registration as a disciplinary offense subject to administrative sanction, is obviously not included.
 - 2) Lack of respect or indecorous behaviour towards students. Serious displays of negligence and disrespect towards students include failure to deliver a scheduled course without justification or apology, unjustified delays at the start or end of classes, disorder, confusion, lack of class preparation, improvisation in tests and exams, unjustified delays in grading, irregular attendance during office hours, etc.
 - 3) Professors must demand of themselves in their classes and their interactions with students the same meticulousness and care they typically exhibit in the preparation of their research endeavours. Similarly, some researchers are less meticulous and should emulate, in the development of their scientific tasks, the seriousness and rigor they are capable of demanding when performing their duties as professors.
 - 4) Every professor and researcher should feel ethically committed (regardless of their obligation as a member of the University) to attend and, if necessary, participate in meetings convened by the academic bodies on which they depend (Centre, Department, Area, etc.), and, when

applicable, to report to their constituents on the agreements reached in those meetings.

18. Professors and researchers are ethically responsible for the faults or mistakes committed in their teaching duties, and this ethical responsibility is not always satisfied by the academic intervention of the authorities, which may have administratively rectified the fault committed by the professor in front of their students. For this reason, it is ethically necessary for the professor to explicitly apologize to the student or students affected by their negligence or fault. If necessary, the apology should involve the professor making an academically committed decision that implies a rectification (re-grading or repeating an exam, removing an undeveloped part of the syllabus, re-explaining a poorly explained lesson, etc.).

IV. Administrative and Services Staff

19. Administrative and services staff, like all members of the university community, are subject to the laws of the country and to the statutory and regulatory provisions of the university institution to which they belong. Therefore, they are accountable to these authorities both as citizens and as members of the University of Cádiz institution.
20. Ethically questionable behaviours of Administrative and Services Staff are those which, without directly contravening any current legal, statutory, or administrative norms, coincide with or resemble some of the dubious or unacceptable behaviours described below:
 - 1) Inappropriate and irresponsible use, meaning private use (non-incidentally or for emergency reasons) of the resources and tools provided by the institution to fulfil their administrative, technical, or management functions: computer equipment, office supplies, furniture, etc. Deliberate misappropriation of these inventory items, which would exceed what is ethically acceptable and warrant registration as a disciplinary offense subject to administrative sanction, is not included.
 - 2) Unjustified absence or repeated lateness during work hours.
21. Members of the Administrative and Services Staff should feel ethically committed at all times not only to fulfil their administrative or technical duties but also to

participate, within the scope of their professional competencies, in the development of the university institution to which they belong.

V. Students

22. Students, like all members of the university community, are subject to the laws of the country and to the statutory and regulatory provisions of the academic institution to which they belong. Therefore, they are accountable to these authorities both as citizens and as members of the University of Cádiz institution.

23. Ethically questionable behaviours of students are those which, without directly contravening any current legal, academic, or statutory norms, coincide with or resemble some of the dubious or unacceptable behaviours described below:

- 1) Any behaviour that seeks to evade personal effort, self-assimilation of knowledge, and the transparency of evaluation assessments.
- 2) Inappropriate and irresponsible use, meaning private use (non-incidentally or for emergency reasons) of the resources provided by the institution to fulfil their student duties: computer equipment, bibliographic material, furniture, etc. Deliberate misappropriation of these inventory items, which would exceed what is ethically acceptable and warrant registration as a disciplinary offence subject to administrative sanction, is not included.
- 3) Lack of respect or indecorous behaviour towards any member of the university community.

24. Students should feel ethically committed (regardless of their general obligation as a member of the University) to attend and, if necessary, participate in meetings to which they have been summoned by the academic bodies on which they depend (University Senate, Centre, Department, etc.).

25. The objectionable behaviours of students, regardless of their potential academic or administrative sanction, may be classified, in exceptional cases, as ethically questionable behaviours, nominally or generically, only as a result of a majority vote adopted by the competent collective bodies: University Senate, Governing Council, Centre Board, Department Council, etc.