

Code of Ethical Conduct of the Faculty of Medicine of the University of São Paulo

CHAPTER I

COVERAGE AND SCOPE

Article 1 - This Code establishes, in accordance with the Code of Ethics of the University of São Paulo - USP, norms of ethical coexistence to be observed throughout the faculty of Medicine of the University of São Paulo - FMUSP Community, and aims to promote a culture of protection of human rights and harmony in interpersonal relationships.

Sole Paragraph - For the purposes of this Code, the following definitions are adopted:

I - FMUSP community: students, faculty and technical and administrative servers, who carry out activities in the work, teaching, research and extension environments linked to FMUSP or its organs, as well as all those who use FMUSP assets:

II - Student of the FMUSP Community and assimilated:

a) any person who is regularly enrolled in the University of São Paulo (USP), developing activities in the work and teaching environments linked to FMUSP or its organs;

b) every participant in an exchange program during the period in which he or she is carrying out activities in the work and teaching environments linked to FMUSP or its organs;

c) every scholarship holder, trainee or participant in an extension activity, during the period in which he or she is carrying out activities in the work and teaching environments linked to FMUSP or its organs.

III - FMUSP Faculty and assimilated:

a) every professor, associate, doctor or senior of FMUSP or its organs;

b) every person who assists in teaching activities, such as preceptors, counselors, postgraduate students supervised in teaching, among others, at FMUSP or its organs;

- c) every collaborator, guest or other persons who are only temporarily involved in didactic, pedagogical or scientific activities at FMUSP or its organs.

IV - Technical and administrative servant of the FMUSP Community and assimilated:

- a) every USP servant, no matter the contracting regime, that develops non-teaching activities at FMUSP or its organs;
- b) every professional hired directly or through outsourced companies to perform non-teaching activities at FMUSP or its organs;
- c) every professional who carries out voluntary non-teaching activities in the University or in its organs.

CHAPTER II

PRINCIPLES

Article 2 - The rules set forth in this Code are governed by the following principles that must also guide the conduct of the FMUSP Community:

I - promotion, protection and respect for peace, democracy, freedom, justice, equity and human rights;

II - value of the dignity of the human person;

III - promotion, protection and respect for the fundamental human right to life, health, education, physical and moral integrity and quality of life;

IV - equality of rights and opportunities, diversity, plurality, solidarity and sociability;

V - scientific development for the benefit of the people, allied with social progress;

VI - protection of common property.

CHAPTER III RULES OF ETHICAL CONDUCT

Section I

Rules of Ethical Conduct Common to the entire FMUSP Community

Article 3 - It is incumbent upon all members of the FMUSP Community:

- I - to defend FMUSP as an autonomous and secular public institution in relation to political powers, respecting ideological and philosophical diversity;
- II - to promote a Faculty that does not yield to ideological, economic and political pressures that may result in deviation from its teaching, research and extension objectives;
- III - to contribute to the development of the society, the public health and the quality of life of the human being;
- IV - to contribute to the welfare of the community by taking action against inequality, injustice and discrimination;
- V - to adopt mutual respect and the spirit of collaboration, fraternity and solidarity as the basis of their relations;
- VI - to promote the development of FMUSP, proposing, defending and implementing measures to improve and correct ethical deviations;
- VII - to always act in defense of the didactic-scientific and extension activities interests of FMUSP;
- VIII - to perform their functions with autonomy and in harmony with the institutional and collective objectives of FMUSP;
- IX - to respect the determinations coming from superior hierarchical instances, protecting the academic autonomy;
- X - not to promote or allow situations that may generate disrespect, humiliation, embarrassment, isolation, vulnerability or violation of the dignity of the human person;
- XI - to combat all forms of discrimination and violence, including sexual violence, threats, persecution, harassment, prejudice, oppression and situations of physical, psychological, social and moral harm;
- XII - to promote greater inclusion and accessibility for the hadicapped;
- XIII - to prevent, identify, denounce and combat systematic bullying;
- XIV - to report to the responsible authorities any violations of the rules of this Code, acts of impropriety and administrative misconduct, being ensured the secrecy, according to current legislation;
- XV - to respect the singularities and pluralities, as well as the religious, political, racial, ancestry, origin, ethnicity, citizenship, gender, gender identity, gender expression, sexual orientation, biological sex, social status, marital status, age and people with disabilities diversity;
- XVI - to ensure freedom of expression and artistic, literary, scientific and technical manifestations, without any form of disrespect, prejudice or censorship in accordance with current legislation;

XVII - when in the function of member of examining or selection commissions:

- a) to perform his/her function respecting the principles of impersonality and impartiality;
- b) to be guided by criteria based on merit and transparency;
- c) to declare impediment to participate in decisions when verified any situation that could harm the duty of impersonality and impartiality, such as those that involve:
 - 1 – facts to which he or she gave testimony as a witness;
 - 2 – his/her ruling in the same administrative procedure;
 - 3 – his/her spouse or partner, or any relative, consanguine or by affinity, in a straight line or collateral, up to and including the third degree;
 - 4 – a legal entity of which he/she is a member or in which he/she holds a position as a management or administration member;
 - 5 – person of whom he/she is a presumptive heir, grantee or employer;
 - 6 – client of his / her spouse, partner or relative, consanguineous or by affinity, in a straight line or collateral, up to and including the third degree;
 - 7 – person with whom he/she litigates judicially or administratively, or with whom his/her spouse or partner, or any relative, consanguineous or related, up to and including the third degree litigates;
 - 8 – an intimate friend or enemy of the interested party or his lawyers;
 - 9 – person from whom he/she received gifts, before or after the administrative procedure was initiated, or who advised the object of the decision;
 - 10 – person of whom he/she is a creditor or debtor, or their spouse or companion or their relatives, in a straight line up to and including third degree;
 - 11 – fact in which he/she is the authority interested in the judgment of the process in favor or against any person affected by the decision.

XVIII - to recognize of the authorship of any intellectual product;

XIX - to contribute to the preservation of the environment and biodiversity;

XX - to recognize, respect and preserve the material and immaterial public patrimony of FMUSP, conserving it and preventing its misuse;

XXI - not to prevent the use of facilities and other resources of FMUSP, when this is in accordance with the objectives of the institution;

XXII - to use appropriately and take responsibility for the use of the name or image of FMUSP in acts, activities, contracts or agreements, in accordance with article 29 and the following articles of the USP Code of Ethics;

XXIII - to use the virtual space, cyberspace, computing or database of the Community respecting the following rules:

- a) all files with personal data are confidential and of restricted use;
- b) private use data may only be accessed or used by others after legal authorization or the right holder authorization;
- c) use on behalf of another user is prohibited;
- d) access to electronic medical records is prohibited without proper authorization;
- e) any use directed to the degradation of the system or to the interference in the work of the other users is prohibited;

XXIV - not to use their functional or academic position for their own benefit, that of relatives or third parties, or in a way that may harm the conviviality in the Community;

XXV - not to keep, transport, sell or use illicit drugs in work and teaching environments;

XXVI - not to show up or circulate in work and teaching environments under the influence of alcoholic beverages or illicit drugs;

XXVII - not to smoke in public spaces or in environments where such practice is prohibited;

XXVIII - to show up at the work and teaching environment with clothing, footwear and personal protection equipment in accordance with the activities to be carried out, and the current legislation.

Sole Paragraph - For the purposes of this Code, it is considered:

I - bullying: any act of physical or psychological violence, whether intentional or repetitive, whether in the university environment, health services or the internet, practiced by an individual or group, against one or more persons, with the purpose of intimidating or assaulting, causing discomfort to the victim, in an asymmetric relationship between the parties involved, according to the Law 13.185 / 2015.

II - sexual violence: any sexual act or attempt to achieve a sexual act, insinuations or comments of sexual connotation, acts to negotiate sexual situations that, not consented or subject to consent, through coercion, involve the sexuality of a person. Three types of sexual violence are distinguished:

- a) sexual violence involving sexual relations: rape and rape of vulnerable;
- b) sexual violence with contact: unwanted contact without sexual intercourse; and
- c) non-contact sexual violence: threat of sexual violence, exhibitionism and verbal sexual harassment.

Section II

Specific Ethic Conduct Rules

Subsection I

Rules of Ethical Conduct for Students and Assimilated

Article 4 - It is incumbent upon students of FMUSP and the persons assimilated to them in the form of article 1:

- I - to assume the ethical and moral commitment to their own development as a person, as a citizen and as a professional to be, respecting the standards of personal honesty and academic integrity;
- II - to respect the faculty and technical and administrative servants of the FMUSP Community, ensuring the exercise of their public functions in a full and free way;
- III - to participate, as far as they are interested, in activities aimed to promote citizenship and health, prevention of diseases, rehabilitation of people and social development, through student, professional or social organizations;
- IV - to recognize their status as a public university student and the ethical and social duties resulting from this condition;
- V - to make good use of the public resources made available for their academic training, preserving them and transmitting them in good condition to the successive classes;
- VI - to proactively seek knowledge, skills and attitudes that contribute to their professional and human formation;
- VII - to know and comply with the regulations and requirements of the disciplines of their course, observing the rules of attendance, punctuality, conduct, production and organization of teaching, research and extension activities;
- VIII - not to use or conceal the use of means or schemes that may deceive the evaluation of their performance or of others, in evaluations and academic, cultural, artistic, sport and social activities, within the ambit of FMUSP;

- IX - to participate in the construction of curriculum, disciplines and the improvement of teaching, research and extension activities, to contribute to the promotion of:
 - a) correspondence between the curriculum and the National Curricular Guidelines, without gaps or excesses;
 - b) disciplines and classes with clear and specific objectives, bibliographic sources updated and accessible;
 - c) fair evaluation methods that are consistent with teaching;
 - d) improvement of the mechanisms and spaces for discussion and presentation of criticism and suggestion;
- X - to avoid plagiarism;
- XI - not to use fraudulent means to gain recognition in the scientific community;
- XII - during the teaching, research and extension activities carried out in the health services, to understand and respect the specific norms, routines and protocols, adopting a position commensurate with the values of these services;
- XIII - during the teaching, research and extension activities carried out in the health services, to look after equipment and goods in general, taking responsibility for any material damages caused;
- XIV - to collaborate, when applicable, in the activities that involve multiprofessional teams for the integral care of the user;
- XV - to respect the users of the services, their peers, supervisors, faculty and teams of professionals;
- XVI - regarding users of services where teaching, research and extension activities are being developed:
 - a) to keep professional secrecy of all matters pertaining to the services and their users;
 - b) not to make public data, images or audios of users in social media;
 - c) to ensure that the user and the health service team are aware of their identity and student status;
 - d) to ensure that there is free, informed and explicit consent of the user in the pedagogical activities in which the students participate, making the user feel as a co-protagonist of the learning process;
 - e) to ensure the priority of the users' interests in their relationship with professionals, students and scientific and pedagogical activities;
 - f) to ensure good communication with the users, establishing an egalitarian relationship, informing and clearing up their doubts, and ensuring their participation in the elaboration of the therapeutic plan and the promotion of their health;

- g) to recognize the limits of the technical-scientific knowledge, explaining them to the users.

Subsection II

Rules of Ethical Conduct for Faculty and Staff

Article 5 - It is incumbent upon the faculty of FMUSP and on the persons assimilated to them in the form of article 1:

- I - to defend working conditions and remuneration that are worthy of and compatible with the teaching profession;
- II - to perform their duty with responsibility observing the obligations established in their respective organ of performance, such as workload, punctuality and objectives;
- III - to respect the activities and associative entities of their peers, students and technical and administrative servers;
- IV - to act with professionalism, excellence and morality, keeping up to date with the scientific, technological and didactic advances;
- V - to ensure the didactic quality of their activities and the disciplines under their responsibility, establishing clear and specific objectives and teaching based on the scientific knowledge and consolidated evidence;
- VI - to adapt, whenever possible, their teaching activities to the specific needs of the students;
- VII - to be available to the student;
- VIII - to denounce means and schemes that may violate the evaluation of performance in academic, cultural, artistic, sports and social activities, within the ambit of FMUSP;
- IX - neither to participate in the management or administration of companies that have commercial relations with FMUSP, nor favor relatives or third parties;
- X - to perform their teaching and evaluation function without interference from personal differences;
- XI - to make known conflicts of interest whenever applicable;
- XII - to participate actively in the construction and improvement of the political and pedagogical project of FMUSP, in compliance with the National Curricular Guidelines of their course, including those of a humanistic and social nature, without gaps or excesses;

XIII - in the function of manager, in a superior hierarchic position or in a position of direction, to watch over administrative morality, to promote the academic performance of his/her peers, to determine unlawful acts which violate this Code, adopting the appropriate procedures for its investigation;

XIV - not to disrespect, discriminate, censor, threaten, persecute, harass or embarrass their peers, students, technical and administrative servers or users of health services;

XV - in their scientific activities:

- a) to ensure that their work is adequate and in accordance with relevant ethical standards and regulations;
- b) to ensure compliance with the terms of Resolution No. 466/2012 of the National Health Council, whenever individuals are subjects of the research;
- c) to ensure that their work is of social relevance and importance for the advancement of scientific knowledge;
- d) not to divert financial resources from scientific development to other purposes;
- e) to ensure that scientific works and their products are made public, except where duly justified;
- f) to explain the limitations of methods and techniques used in their work;
- g) not to distort information about their academic, professional or personal life;
- h) to ensure that there is no type of scientific fraud at any stage of their work;
- i) to recognize the credit to the employees who assisted in their work, to the extent of their participation;
- j) to obtain the express authorization for the use of data owned by third parties;
- k) not to practice plagiarism.

XVI - in the exercise of orientation or supervision activities, to encourage and facilitate the participation of their students in teaching and scientific and ethical training activities;

XVII- in the exercise of teaching activities in health services:

- a) to understand, respect and adopt a posture that conforms to the values, norms, routines and protocols of these services;
- b) to ensure the good use of the goods and equipment of these services;

- c) to keep professional secrecy of all matters pertaining to the services and their users;
- d) not to publish data, images or audios of users in social media;
- e) to respect the users of the services, the students, their peers and the professional teams of these services;
- f) to ensure that there is free, informed and explicit consent of the user in the pedagogical activity, encouraging his/her participation as an active subject of the teaching and learning process;
- g) to ensure the express priority of the user's interests in his/her relationship with professionals, students and scientific and pedagogical activities;
- h) to ensure good communication with the user, maintaining an egalitarian relationship, informing and clearing up his/her doubts and contributing to his/her participation in the elaboration of the therapeutic plan and in the promotion of their health;
- i) to recognize the limits of technical-scientific knowledge, making them explicit to the user;
- j) to recognize the importance of multiprofessional teamwork for the integral care of the user.

Subsection III

Rules of Ethical Conduct for Technical and Administrative Servants and Assimilated

It is incumbent upon the technical and administrative servants and the persons assimilated to them in the form of article 1:

- I - to defend working conditions and remuneration that are worthy of and compatible with the exercise of their profession;
- II - to perform their duty with responsibility observing the obligations established in their respective organ of performance, such as workload, punctuality and objectives;
- III - to respect the activities and the associative entities of their peers, students and teachers;
- IV - to act with professionalism, excellence and morality, keeping up to date with the advances of knowledge and technologies in their area of performance;

- V - to be available to members of the FMUSP Community and, when applicable, to the general public;
- VI - to denounce means and schemes that may violate the evaluation of performance in academic, cultural, artistic, sports and social activities, within the scope of FMUSP;
- VII - neither to participate in the management or administration of companies that have commercial relations with FMUSP, nor to favor relatives or third parties
- VIII - to perform their functions without interference from personal differences;
- IX - to make known conflicts of interest whenever applicable;
- X - to actively contribute to the improvement of the efficiency of the technical and administrative activities of FMUSP;
- XI - in the function of manager, in a superior hierarchic or direction position, to watch over administrative morality, to promote the academic performance of his/her peers, to determine unlawful acts which violate this Code, adopting the appropriate procedures for their determination.

CHAPTER IV

FINAL PROVISIONS

Article 7 - It is incumbent upon the Director of the Faculty of Medicine of USP, within the scope of the powers conferred upon him by Resolution 3745/1990, General Regulations of the University of São Paulo, and Resolution 4816/2001, Rules of the Faculty of Medicine of USP , to adopt the necessary administrative measures to guarantee the faithful observance of the provisions set forth in this Code of Ethical Conduct of the FMUSP Community.

Article 8 - Violations of the rules contained in this Code of Ethical Conduct of the Community of FMUSP shall promptly be notified to the Director of the Faculty of Medicine, the Ethics Committee of USP and other competent authorities, depending on the infraction committed, for the adoption of the applicable measures.

Article 9 - The equivalence of students, teachers and technical and administrative servers, carried out by subsections II, III, IV of article 1, is restricted exclusively to the application of the norms of this Code.

São Paulo, 29 de junho de 2018.

