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# Manual of Ethical Standards

*Revista Chilena de Derecho*  
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## TABLE OF CONTENTS

Introduction.....	1
I. Plagiarism.....	2
II. Self-plagiarism.....	6
III. Problems of authorship.....	8
IV. Problems of honesty and research data protection.....	10
V. Duplicity of submissions.....	12

## INTRODUCTION

Ethics in academic publications is a topic that becomes more relevant, and that requires increasing attention. The ethical criteria for the analysis of scientific publications addresses diverse aspects that point towards the manuscript being an original piece of work, in which there is a real link between the author and its content, and in which the use of bibliographic, empirical, or historical material is reliable. Upon the growing collection of information available, it often becomes difficult to clearly distinguish the authors' own creation from the information that they took into consideration when conducting his or her research. For this reason, certain basic principles must take precedence in academic life, such as honesty, trust, justice, respect, and responsibility, among others<sup>1</sup>. These principles are expressed in the authors' moral and legal obligations to maintain a responsible conduct that follows the principles of academic integrity, acting with due diligence and responsibility in the development of their research.

The peers that review manuscripts have the duty to check these obligations, but they need to rely on the authors' ethical commitment, assumed from the specific moment in which they submit their work to the editorial process, and that must be maintained throughout all stages of the process until the publication of the manuscript. Otherwise, the weight placed upon the reviewers and those who perform editorial duties would be disproportionate.

From an ethical point of view, the specialized scholarship has advanced considerably in the area of plagiarism. This issue tends to appear as one of the most serious, and can even lead to legal responsibilities derived from the infringement of the norms of intellectual property. However, ethical standards not only address the unquoted use of work from other authors, or the indiscriminate reutilization of the arguments of others to build one's own work without adding elements of novelty that enable scientific advancement. They also include many other elements that verify the originality of the work. Thus, in a world in which our observations, comments, and arguments are easily accessible by diverse media, the standard of originality implies also the absence of what is called self-plagiarism or, in other words, the use of texts, arguments, or conclusions already expressed in other works, without an original development. The former does not imply that authors are unable to insist on their lines of research or that they cannot address the subject of their studies from multiple perspectives; the objection is to the absence of all novelty in their propositions, which lessens the significance of publications as a means for advancing science.

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<sup>1</sup> <http://www.academicintegrity.org/icai/assets/FVProject.pdf>

Another issue is the usage of non-consulted material (such as citing documents that have not been seen by the author, when this is certainly possible and necessary) or the creation of material that does not comply with the standards of science, particularly, in regard to how authors obtain the material to support their arguments. Here, the ethical reproach lies in the careless development of the research, which, in its worst, involves making up such material for arbitrarily supporting a conclusion. The violation of these ethical standards can gravely hinder the advances of science, as it involves a minor or a complete lack of intellectual integrity, which can lead to inadequate developments by future readers, such as researchers who aim to advance conclusions supported by these results, whether they are, in our case, academics, judges, or lawyers who design theories relying on works that are supposed to satisfy the principles of intellectual rigor.

The international editorial experience has also accounted for other problems, such as authors' failure to commit to the exclusive submission of their work to a single review body (at least during the time in which the editorial review process takes place), leading to an unfair redundancy of expenses for journals. In this regard, in our context, the submission of a manuscript to the review process is free for the author, but not necessarily for the scientific journal. Here, the ethical infringement may not be as grave as in the previously discussed cases, but it nevertheless has economic consequences that the authors do not assume.

All these elements seem to be part of the most basic editorial reasoning. However, they could become somewhat fuzzy in their practical application and in the demarcation of some gray areas (such as when an author requests to add new authors once the work has been already accepted, or to eliminate one of the authors in similar circumstances). Given this, authors should carry out an examination of their research and its results, understanding the impact that their work may have in the development of the editorial process, as well as in the scientific community and in society at large. This is why the *Revista Chilena de Derecho* worked to complement its editorial standards by defining ethical criteria in this Manual of Ethical standards. We do this as an invitation to publish in our journal research that maintains the scientific and intellectual rigor that is expected of it. The purpose of this manual is not to provide a scientific text about such standards, but to account for the **conducts**, **procedures**, and **potential sanctions** related to the ethical standards of publication, so that they can be known by the academic community and guide its work.

## I. PLAGIARISM

### BEHAVIOR

The Chilean legal system recognizes copyright at the constitutional level (Art. 19 N°25) as well as at the statutory level (Article 584 of the Civil Code and Law No. 17.332, from October 2, 1970). These norms essentially constitute the legal framework that is applicable to this matter, the fulfillment of which is an essential part of the ethical standards related to the authorship of manuscripts submitted for consideration to the Editorial Board of the *Revista Chilena de Derecho*, without prejudice to the applicable legal norms.

Plagiarism is not defined within our legal system, but it still constitutes a serious action against copyright law. On this specific subject, we specially highlight Article 71B of Statute No. 17,332, which states that “it is legal to include, without providing remuneration or obtaining permission from the author, brief fragments of protected work that has been legally published, and its inclusion is done through citing or with the purpose of criticizing, illustrating, teaching or researching, as long as the source, title, and author are mentioned.” We also highlight Article 71Q from the same statute, which adds that “the incidental and exceptional use of protected work is licit with the purpose of criticism, commentary, caricature, teaching, academic or research interest, as long as such use does not constitute a covert exploitation of the protected work. The exception established in this Article is not applicable to documentary audiovisual work.”

Article 79 bis of Lay No. 17,332 punishes the falsification of work protected by law, as well as editing, reproducing, or distributing it, falsely claiming to be the authorized editor, deleting or changing the name of the author or the title of the work or maliciously altering its text. In this case, the punishment includes minor imprisonment in its lowest degree and a fine from 10 to 1000 monthly tributary units.

Our case law has not been abundant on the subject, but decisions of foreign courts describe plagiarism as “everything that supposes copying other people’s substantive work, which is therefore a mechanized activity, not very intellectual and creative, lacking originality and the concurrence of ingenuity and human talent, even if it shows some wit, occurring in situations where the works are identical and in those situations in which, while covert, show similarity with the original work, once stripped of tricks and costumes, producing thus a state of appropriation and exploitation of the creative labor and the ideas or intellectual effort of others”<sup>2</sup>.

We generically understand plagiarism to be when somebody claims as his or her own ideas what has been previously proposed by others, without properly recognizing their authorship. Professor Alejandro Miranda Montecinos has a paper where he deals with this subject at length, published in the *Revista Chilena de Derecho* (“Plagiarism and ethics of scientific research” (in Spanish), Vol. 40 No. 2, 2013, pp. 711-726).

In the milieu of editorial processes, plagiarism is undoubtedly the most recognized and reproachable behavior, and it is the duty of the different agents participating in the process to show their commitment to avoid it. The author who presents a manuscript to the journal has the main responsibility. He or she should carry out a meticulous research in order to identify of the sources of his or her statements, data, arguments, and conclusions, so that the reader may distinguish if they belong to the author or to somebody else.

Normally we think about plagiarism as the case in which the entirety of the content belongs (with minor variations) to a different person than the one who presents himself or herself as the author of the manuscript. However, the following variations of plagiarism have been distinguished<sup>3</sup>:

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<sup>2</sup> Judgment of the Spanish Supreme Court on January 28, 1995 (RJ 1995, 387) (author’s translation).

<sup>3</sup> For the purpose of identifying the diverse forms of plagiarism we have considered the following texts: (i) “¿Cuántos tipos de plagio existen?” of Digital Media Rights, The Internet Copyright Company, available at <http://www.dmrighs.com/es/cuantos-tipos-de-plagio-existen.html>; (ii) the Thematic Guides of the Libraries of the Pontificia Universidad Católica de Chile, available at <http://guiastematicas.bibliotecas.uc.cl/content.php?pid=459259&sid=4508333>; (iii) “What constitutes plagiarism”, from Harvard Guide to Using Sources (a publication of the Harvard College Writing Program), available at

- (i) **Complete plagiarism:** it occurs when the content of the submitted manuscript, or a relevant part of it (such as a paragraph), is taken from a text that has already been published, broadcasted or presented by a third party, without clearly identifying the source. Complete plagiarism tends to be the coarsest mode of plagiarism under the technique known as “cut and paste”. It tends to disguise itself under a generic mention of the consulted source without specifying that it is a mere replica of it (“word by word plagiarism”), or by very minor variations in terms of the content of the text. Irregular paraphrasing (i.e. when minor variations are made to the original text and its source is omitted) still constitutes plagiarism. It also constitutes irregular paraphrasing the case in which, even though the source of the ideas is cited generically or repeatedly, there is not enough interaction or use of the text as the basis for new argumentation. In this case, the inappropriate behavior is arrogating someone else’s idea as one’s own, by not having the proper reference. This conduct constitutes a lack of ethics and academic rigor, without prejudice of other applicable legal sanctions. Additionally, it is an unjustifiable behavior, since, even if it is done without malice, it constitutes a serious negligence in the development of the research.
- (ii) **Partial plagiarism or mosaic plagiarism:** it occurs when the content of the submitted work, or a relevant portion of it (such a paragraph), is a combination of more than one source, from the same or different authors, that have already been published, broadcasted, or presented by one or more third parties, without clearly identifying the corresponding source or sources. In this case, there is a higher level of elaboration than in complete plagiarism, but it is still a reproachable behavior because it constitutes a mere reformulation of other texts, disguising plagiarism through the mixture of other sources, the use of synonyms, or minor personal reflections.
- (iii) **Minimalist plagiarism:** it occurs when the content of the submitted manuscript, or a relevant portion of it (such as a paragraph), corresponds to the ideas, assertions, data, approaches, arguments and conclusions that have already been published, broadcasted, or presented by a third party, without clearly identifying the corresponding source. Its main difference with the other two types of plagiarism is that in this case the material is not presented through the “copy and paste” technique, but it is done through the rephrasing of a text or someone else’s ideas without acknowledging its source. A version of this type of plagiarism is known as plagiarism *verbatim*, in which the author uses someone else’s idea and reformulates it in the text by using synonyms or grammatical variations, or, even, the realignment of the original wording to hide its origin.

## PROCEDURES

-Authors who submit their manuscripts to our journal commit themselves to respect the relevant editorial norms and ethical standards. The *Revista Chilena de Derecho* assumes that the

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<http://isites.harvard.edu/icb/icb.do?keyword=k70847&pageid=icb.page342054>; and (iv) Hexham, Irving (2005): “The Plague of Plagiarism: Academic Plagiarism Defined”, available at <http://people.ucalgary.ca/~hexham/content/articles/plague-of-plagiarism.html>.

author should have conducted an exhaustive study of the submitted work and, at that point, checked the correct citation and formulation of the texts, always clearly identifying its sources.

-The Editorial Board, during a first formal editorial revision, performs a preliminary analysis of the texts, but it is expected that it will be the evaluators (blind peer reviewers) who, as specialists on the subject, will detect the aforementioned behaviors and will inform the Editorial Board about them.

-According to our publishing contract, the author has the obligation to “[r]etain full ownership of the Work, responding to the Editor of the eviction and of any damage that it may experience due to the breach by the Author of any or some of the obligations imposed by this contract. In the event that a claim, lawsuit, complaint or any other problem regarding the authorship of the Work is presented (such as, without limitation, plagiarism, self-plagiarism or omission of authors) or for any infringement or falsehood related to the declarations made in the Commitment Letter and/or in the preceding First Clause, the Editor will be able to initiate all of the corresponding legal actions, in order to obtain the defense of its rights and compensation for the damages caused.”

-According to our publishing contract, “[t]he content of the Work is the sole responsibility of the Author. Consequently, if for any cause or reason, direct or indirect, the Editor is obliged to pay any compensation to a third party derived from the Author’s Work, whether it is established in a transaction, settlement or judicial decision, the Author will be obliged to pay the *Revista Chilena de Derecho* the total amount of compensation and costs, plus adjustments and interests.”

-If the Editorial Board detects plagiarism within the terms previously described, such circumstance will be notified to the author, describing the reprehensible conduct and the reason why that determination is made. The author may appeal within the deadline defined by the Editorial Board before the application of the corresponding sanction.

## SANCTIONS

All forms of plagiarism, in any of the variations previously described, deserve the same level of reproach during the editorial process. This is so because the result is always the same, violating the intellectual property of its true author and confusing the reader about the originality of the ideas raised.

If this kind of problem is detected in a manuscript submitted for publication to the *Revista Chilena de Derecho*, it will be immediately rejected and the author of such plagiarism will not be allowed to publish in the *Revista Chilena de Derecho* for a period of at least one calendar year, starting from the date in which the rejection of the work is notified.

## SUGGESTED BEST PRACTICES

1. Conduct honest research that acknowledges the origin of the ideas that will be expressed in the final text submitted for editorial consideration.
2. Adequately use the citation guidelines from the *Revista Chilena de Derecho*, because one of its main purposes is to make the community aware of the origin of the ideas that are presented.

3. Keep in mind the applicable regulation of protection of intellectual property and the legal implications of its infringement.

## II. SELF-PLAGIARISM

### BEHAVIOR

Unlike plagiarism, self-plagiarism involves a behavior in which the author submits for editorial consideration a manuscript that has already been published in another medium (either printed or digital) or uses a substantial part of such texts, ideas, assertions, data, approaches, arguments, and conclusions that have already been published, broadcasted, or presented by the author.

The problems presented by this behavior are twofold. First, they may originate an intellectual property issue if the author had previously ceded his or her rights over the work that is submitted for consideration. Secondly, the work or ideas being presented as original are already available to the community. This behavior is generally due to author's wish to irregularly obtain a higher degree of visibility for his or her work, duplicate the statistics regarding his or her academic productivity, etc.

Often, the author may be developing a research line that merits publishing diverse works referring to a single thematic unit. It may as well be necessary to update previously published work (especially in the case of the enactment of new applicable legislation, recent judicial decisions that address the topic, or the development of comparative law). However, these situations do not justify the behavior included in the concept of self-plagiarism, unless the reasons that merit a new publication are made explicit or the particularities of the work that distinguishes it from previous publications is explained.

We can distinguish the following types of self-plagiarism behavior:

- (i) **Recycling texts (or "recycling fraud"):** it refers to the presentation of a work that has been published in its entirety in another medium, without identifying substantial differences between both texts. In other words, it refers to a case in which the author presents a work as if it was a new one, even though the main idea is the same as in the previous text, to which changes have only been introduced to give the appearance of novelty. This is a similar technique to that of plagiarism described in the previous section, with the difference that the author of both texts is the same. This behavior would be even more reproachable if the authors of both texts are not exactly the same. This behavior deserves ethical reproach because there is absolutely no justification for it.
- (ii) **Self-plagiarism *stricto sensu*:** it refers to the presentation of a work that contains ideas, assertions, data, approaches, arguments, and conclusions that have already been published, broadcasted, or presented by the same author through any medium. If the author provides no citations to his or her previous works, the behavior is clearly reproachable as it induces the reader to think that those are new research findings, without them being so. By not properly citing previous work, the author is depriving

the reader from knowing the original source where the subject was discussed, which goes directly against the duties of honesty, trust, justice, respect, and responsibility. Additionally, it is a behavior that goes against the rigor of scientific research, because it does not only deprive the reader from the original source, but it also deprives him or her from knowing the methodology and the bibliographical information that the researcher had available to achieve those conclusions.

When the author includes the appropriate citations, we must ponder whether those allow us to identify the novelty of the submitted work.

The Editorial Board must particularly review this behavior, and define whether the manuscript explains the particularities that distinguish this work from previous ones.

This behavior would be even more reproachable if the authors of both texts are not exactly the same.

## PROCEDURES

- Authors who submit their manuscripts to our journal commit themselves to respect the relevant editorial norms and ethical standards. The *Revista Chilena de Derecho* assumes that the author should have conducted an exhaustive study of the submitted work, accounting for its scientific novelty.

-The Editorial Board, during a first formal editorial revision, performs a preliminary analysis of the texts, but it is expected that it will be the evaluators (blind peer reviewers) who, as specialists on the subject, will detect the aforementioned behaviors and will inform the Editorial Board about them.

- If the Editorial Board or any other intervener in the editorial process detects plagiarism within the terms previously described, such circumstance will be brought to the knowledge of the author, describing the reprehensible conduct. The author may appeal within the deadline defined by the Editorial Board before the application of the corresponding sanction.

## SANCTIONS

All forms of self-plagiarism, in any of the variations previously described, deserve the same level of reproach during the editorial process. This is because the result is always the same, potentially violating rules of intellectual property confusing the reader about the originality of the ideas that are raised.

If this kind of problem is detected in a manuscript submitted for publication to the *Revista Chilena de Derecho*, it will be immediately rejected and the author of such self-plagiarism will not be allowed to publish in the *Revista Chilena de Derecho* for a period of at least one calendar year, starting from the date in which the rejection of the work is notified.

## SUGGESTED BEST PRACTICES

1. Submit work to the *Revista Chilena de Derecho* highlighting its originality and contribution, especially when these are part of a broader research agenda developed by the author.



2. Make explicit to the Editorial Board that the work is part of a project or research agenda, highlighting its differences with other previously published works.
3. Cite the works of the author that address the same line of research, to account for the previous advances on the subject.
4. Keep in mind the applicable regulation of protection of intellectual property and the legal implications of its infringement.

### III. PROBLEMS OF AUTHORSHIP

#### BEHAVIORS

Beyond the problems of intellectual ownership of the work submitted for publication, it is also part of the ethical standards to correctly identify the authors of the manuscript. The above does not only imply that those who submit their work for consideration correspond to everyone who wrote it, but that the function that each individual has had in its elaboration must be identified. The *Revista Chilena de Derecho* allows that, after indicating the affiliation of the author or authors, pertinent acknowledgements are made to those who have not directly participated in its drafting, but who have performed preliminary revisions of the text, have contributed to the collection of relevant data for the research (for example, by being research assistants) or are part of a broader research group but cannot be considered authors of the text.

Adding authors who have not participated in the writing of the text is reproachable because it makes the scientific community unable to link the proposed ideas to their authors. This problem has intensified because publications are being considered for multiple internal and external institutional benchmarks of scientific production, which causes a multiplicity of authors to be presented as participants of a specific text, without them being so.

The behaviors being considered here are the following:

- (i) **Wrong identification of authorship of the text:** it occurs when those who are identified in the text as the authors of the work are not really those who have substantially participated in its drafting. For this reason, it is also called “authorship plagiarism” because, like regular plagiarism, it violates the duty of honesty, although in a passive way, by allowing his or her name to be used as if it qualified as an author or coauthor of the text. This aspect is difficult to identify by the Editorial Board, so the responsibility lies within the group of authors who, at the time of preparing the work for submission, must clearly define the functions that each of them had in the research and in the work that resulted from it.
- (ii) **Addition of authors after the editorial process has begun:** it occurs when the text has been presented by one or more authors and during the editorial process (even after the manuscript has been accepted for publication) the identification of new people as authors is proposed. This could occur even at the time when the original authors have received

the acceptance letter, following which they wish to upgrade to the level of author someone who was previously identified as a research contributor.

- (iii) Removal of authors after the editorial process has begun:** it occurs when the work has been presented by one or more authors and, during the editorial process (even after it has been accepted for publication), there is an attempt to remove one or more of them from their authorship. This could occur even once the original authors have received the acceptance letter, following which they attempt to modify the authorship to indicate that a person who was declared to be an author, is actually only a research contributor.

## PROCEDURES

- Authors who submit their manuscripts to our journal commit themselves to respect the relevant editorial norms and ethical standards. The *Revista Chilena de Derecho* assumes that the author or authors have honestly identified those who participated in the drafting of the manuscript and those who had a secondary or incidental participation in its elaboration.
- In the case of a wrong identification of the authorship of the text, the *Revista Chilena de Derecho* may request from those who presented the work to submit a verification of the work plan agreed between the members of the research team that identifies clearly the function that each member fulfilled in the research submitted for publication.
- In the case of the incorporation of authors after the editorial process has been initiated, the original author and the new author will be required to submit an exhaustive declaration of the reasons why the new author was not identified as an author in the original submission.
- In the case of the removal of authors after the editorial process has begun, the author will be required to submit an exhaustive declaration of the reasons why the person was identified as an author in the original submission. The *Revista* will also require the explicit consent of the author being removed, as well as an explanation from him or her of the situation under consideration.
- In any case, if an authorship problem is detected within the terms previously described, such circumstance will be notified to the author or authors (and interested third parties), describing the reprehensible conduct. The author, authors, or interested parties may appeal within the deadline defined by the Editorial Board before the application of the corresponding sanction.

## SANCTIONS

If the explanations given by the author, authors, or interested parties appear plausible, no sanctions will be applied. However, given the alteration made, the current editorial process will be cancelled and a new editorial process will begin. This will be applicable even if the Editorial Board has issued an acceptance letter.

If the foregoing explanations do not seem to be plausible, the work will be rejected and those involved will be sanctioned with the prohibition of publishing in the *Revista Chilena de Derecho* for a period of at least one year, starting from the date of the notification of the work's rejection for the aforementioned reasons.

#### SUGGESTED BEST PRACTICES

1. Clearly identify the functions that each of the participants will fulfill at the beginning of the research and the drafting of the manuscript that will be submitted for consideration to the Editorial Board of the *Revista Chilena de Derecho*.
2. Once the text of the manuscript has been finished, it should reflect the functions assigned to each of the different participants.
3. Consider that the authors may acknowledge the assistance of those who participated in the research without having functions relative to the writing of the work, as long as their secondary participation is clearly identified.
4. In case the manuscript requires a revision during the editorial process that makes it necessary to include another researcher, notification must be given to the Editorial Board so that the issue can be resolved adequately.
5. Keep in mind the protection of intellectual property regulation and the legal implications of its infringement. In that respect, the editing contracts of the *Revista Chilena de Derecho* point out the following obligations of the author:

“[r]etain full ownership of the Work, responding to the Editor of the eviction and of any damage that it may experience due to the breach by the Author of any or some of the obligations imposed by this contract. In the event that a claim, lawsuit, complaint or any other problem regarding the authorship of the Work is presented (such as, without limitation, plagiarism, self-plagiarism or omission of authors) or for any infringement or falsehood related to the declarations made in the Commitment Letter and/or in the preceding First Clause, the Editor will be able to initiate all of the corresponding legal actions, in order to obtain the defense of its rights and compensation for the damages caused.” (Fourth(1))

“The content of the Work is the sole responsibility of the Author. Consequently, if for any cause or reason, direct or indirect, the Editor is obliged to pay any compensation to a third party derived from the Author's Work, whether it is established in a transaction, settlement or judicial decision, the Author will be obliged to pay the *Revista Chilena de Derecho* the total amount of compensation and costs, plus adjustments and interests.” (Fifth)

## IV. PROBLEMS OF HONESTY AND RESEARCH DATA PROTECTION

### BEHAVIOR

Every research project supposes that the author bases his or her core reasoning and argumentation on certain information. In the field of dogmatic and historical legal publications, this

refers essentially to the sources that the author cites (bibliography, case law, and norms). In the case of empirical legal publications, this refers additionally to the use of data that can be included in the category of personal information, for which it is necessary to apply the relevant norms.

A reproachable conduct occurs when the author does not utilize the sources in an honest manner, for example, by falsifying the data that is presented in his or her work or by not being diligent enough in its collection. It also occurs when the author has not taken enough safeguards to comply with the regulation regarding the treatment of personal data, especially that of sensitive nature.

In this regard, the behaviors to consider are the following:

- (i) **Falsifying sources:** it occurs when the author cites inexistent sources, i.e. citing bibliography, case law, or norms that are not real, or presenting empirical data that is false, inaccurate, or incomplete.
- (ii) **Lack of source corroboration:** it happens when the author references a secondary source, not primary, when it is indispensable and plausible to obtain information from the latter. It includes cases such as unjustified “indirect citation” or the use of empirical data from an invalid source.
- (iii) **Breach of the regulation regarding the treatment of personal data:** it occurs when, especially in the context of empirical work, personal data is obtained or treated without complying with the applicable normative, particularly, Law No. 19,628 (August 28, 1999), about the protection of private life.

## PROCEDURES

- Authors who submit their manuscripts to our journal commit themselves to respect the relevant editorial norms and ethical standards. The *Revista Chilena de Derecho* assumes that the authors engaged in an honest research, in which they correctly compared the research sources and complied with the applicable rules for the treatment of personal data.

- In the case of a possible falsification of the sources, the authors will be asked to provide the documents from which they developed their work.

- In the case of a lack of source corroboration, the authors will be required to revise their research or, alternatively, explain why such information could not be obtained from a primary or trustworthy source.

- In the case of a possible breach of the relevant regulation on the protection of personal data, the authors will be required to prove compliance with such norms.

- In any case, if an honesty problem is detected within the terms previously described, such circumstance will be brought to the knowledge of the author, describing the reprehensible conduct. The author may appeal within the deadline defined by the Editorial Board before the application of the relevant sanction.

## SANCTIONS

In the case of falsifying data, the work will be rejected and those involved will be punished with the prohibition to publish in the *Revista Chilena de Derecho* for a period of at least one year, starting from the date of the notification of the rejection of the work for the aforementioned reasons.

In the case of missing source corroboration or the breach of the applicable protection of personal data regulation, the editorial process will be suspended until its fulfillment can be verified. This does not preclude the Editorial Board from rejecting the work for lacking scientific rigor.

## SUGGESTED BEST PRACTICES

1. Identify and use trustworthy and valid sources of information.
2. Adequately compare sources, so as to verify their accuracy, integrity, and pertinence.
3. Avoid the use of indirect sources unless it is impossible to have access to the direct source.
4. Employ the highest scientific rigor for obtaining, treating, and using the data obtained within the context of the research.
5. Consider and strictly comply with any regulation on the protection of personal data.

## V. DUPLICITY OF SUBMISSIONS

### BEHAVIOR

Most scientific journals assume that the authors submit their manuscripts exclusively to a single journal at a time. This is so, mainly because the editorial process is free for the author, but not for the editors, because it involves costs and non-pecuniary efforts. In addition, the acceptance of the manuscript by more than one editorial board could produce a duplicity problem similar to those explained in the section on self-plagiarism, in addition to the issues surrounding intellectual property.

We already highlight this issue in our editorial norms by pointing out the following:

“The submission of an original and unpublished manuscript implies the recognition by the author that such work is not fully or partially available, whether physically or digitally, and that it has no pending acceptance of publication in any other medium. In the case that the submitted work includes content that is being reviewed by other editorial boards as part of more extensive works, such circumstance must be disclosed to the editor at the time of the submission of the work.

“Furthermore, the submission of a manuscript to the *Revista Chilena de Derecho* supposes the absolute and exclusive commitment by the author to not simultaneously submit the work for

consideration to other publications, whether in full or partially, in any physical or digital medium...”

The Editorial Board will take into consideration if (i) it has been brought to its attention the fact that the work has been simultaneously submitted for consideration to other journals as part of a more extensive project, regardless of whether that implies its publication in a book, book chapter, magazine work, electronic publication, or others; and (ii) the same text or a substantially similar one has been submitted to another journal, whether that has been brought to the attention of the Editorial Board or not.

Authors who submit their manuscripts to our journal commit themselves to respect the relevant editorial norms and ethical standards. Hence, the *Revista Chilena de Derecho* assumes that the authors understand that they have committed to not submitting the work to another journal while the editorial process is active according to the previously cited terms.

In any case, if a problem of duplicity of submission is detected, such circumstance will be notified to the author, describing the reprehensible conduct and the reason why that determination was made. The author may appeal within the deadline determined by the Editorial Board before the application of the corresponding sanction.

#### SANCTIONS

Given that this is a serious infringement of the editorial policies, when it is detected that the author submitted the manuscript to a multiplicity of publications, the work will be immediately rejected and the author will not be allowed to publish in the *Revista Chilena de Derecho* for a period of at least one calendar year, starting from the date in which the rejection of the work is notified.

The aforementioned sanction does not preclude the right of the *Revista Chilena de Derecho* to inform this situation to the editors of publications in which the duplicity of submission was detected.

#### SUGGESTED BEST PRACTICES

1. Adequately choose the publication to which the work will be submitted for consideration (using criteria such as visibility, indexation, editorial agendas, and delays in the editorial process, among others).
2. Bring to the Editorial Board’s attention the decision to remove previously submitted work from consideration when submitting it to the editorial process of another publication.