



REGULATIONS

on the organization and activity of the Commission of Academic Ethics and Deontology

I. General provisions

Art. 1. The Commission of Academic Ethics and Deontology (hereinafter called CEDU) is an internal body of Transilvania University of Braşov, with no legal status, fulfilling its obligations independently in relation to the University Senate, the Rector and the Executive Board, which analyses and solves the breaches of ethics, in accordance with the Code of Academic Ethics and Deontology. The commission functions during the academic year, except for student holidays, according to the structure of the academic year approved by decision of the University Senate.

Art. 2. CEDU is formed and functions based on the following laws:

- The National Law of Education no. 1 of 5 January 2011, with all subsequent changes;
- Law no. 206 of May 2004 on good conduct in scientific research, technological development and innovation, with all subsequent changes;
- the Charter of Transilvania University of Braşov;
- the Code of Academic Ethics and Deontology, part of the Charter;
- any other laws in force.

Art. 3. The organization, activity and specific working instruments of the Commission of Academic Ethics and Deontology are set in this Regulation concerning its organization and activity, approved by the University Senate.

II. Norms concerning the organization and the duties of CEDU

Art. 4. (1) The structure and the members of CEDU are proposed by the Executive Board, accepted by the University Senate and approved by the Rector for a four-year period, except for cases in which the members nominated at the beginning of the period have to be replaced for objective reasons, and the replacements carry out the mandate until its end. The members of the commission must have a good reputation and moral authority, must have never received a penal or disciplinary sanction or been in breach of academic ethics. The members of the Commission of Academic Ethics cannot hold the position of rector, vice-rector, dean, vice-dean, administrative manager, head of department or of any centre for research-development, design, micro-production.

(2) The four-year mandate shall start at the date the Rector approves the CEDU based on the Senate's opinion.

(3) CEDU is made up of 9 members, out of whom 7 are members of the teaching staff, research staff, auxiliary teaching and research staff, and 2 members are students, irrespective of their level of studies. The names of the commission members represent public information.

(4) CEDU shall have a secretary, which is appointed from among the members of the commission. The secretary shall be in charge of managing the commission documents.

Art. 5. (1) At the beginning of their mandate, at the first Commission meeting, its members shall elect by secret ballot a president and a vice-president from among the Commission members, except for the student members.

(2) These shall be responsible for the organization and activity of CEDU.

(3) The commission meetings shall be chaired by the president, and in its absence by the vice-president of the commission. The commission settles any case through reports.

(4) The CEDU reports are adopted by simple majority of those present.

(5) Each member has an equal vote.

Art. 6. (1) CEDU shall meet quarterly, in ordinary meeting, and any time it is necessary, in extraordinary meeting. The Commission of Academic Ethics shall meet in ordinary meeting when convened by its president, or in the absence of the president, by the vice-president.

The meeting quorum shall be of 7 members of their total number when first convened, and 5 members when convened the second time. The second summon cannot be made sooner than 48 hours after the first one.

(2) The extraordinary meeting shall be convened by the president of CEDU or at the written request of a third of the commission members. The president of CEDU shall set the date, hour and place of the meeting and shall draft the agenda which shall be subject to the approval of CEDU as soon as it convenes.

Art. 7. (1) CEDU shall have the following duties:

a. to analyse and solve the breaches of academic ethics and deontology, based on referrals or acting on their own initiative, according to the Code of Academic Ethics and Deontology, which were committed by the members of the academic community within the university or outside it to the extent that they violate the norms of academic ethics;

b. If it finds that the complaint, although material may fall within the competence of the ECHR, is inadmissible, the commission shall draw up a written report which shall be communicated to the complainant.

b. to draft a yearly report concerning the situation of academic and research ethics which shall be conveyed to the Executive Board and to the University Senate, and represent a public document;

c. to contribute to the drawing up of the Code of Academic Ethics and Deontology, which shall be submitted to the University Senate for approval and inclusion in the University Charter;

d. to fulfil the duties stipulated by art. 10 of Law no. 206/2004 on good conduct in scientific research, technological development and innovation, with all subsequent changes;

e. to fulfil any other duties stipulated by the laws enumerated in the preamble to this Regulation or set in the University Charter, according to the laws in force.

III. Procedure for solving referrals or complaints

Art. 8. (1) CEDU shall solve the referrals or complaints it receives by observing the legal provisions in force, as well as the procedure stipulated in this Regulation.

(2) Any person at the university or outside it can refer to CEDU for any breach of the academic ethics committed by members of the university community. The legal status (according to Labour Code) concerning the general statute of limitation of the sanctions in case of disciplinary offences shall not apply to the breaches of academic ethics.

Art. 9. (1) CEDU shall convene according to the legal provisions in force, as well as to the ones of this Regulation.

(2) Within 5 calendar days at most from registering a referral at the Registry Office of Transilvania University of Braşov, the date when the referral is also registered by the CEDU Secretary, CEDU shall convene for the first time in order to solve the referral.

(3) The CEDU meeting shall be convened by the CEDU president or, in the absence of the president, by the CEDU vice-president.

(4) At this first CEDU meeting:

a. if it is established that the commission is not materially competent to solve the referral, it will decline its competence in a written report. This report shall be communicated to the Rector of Transilvania University of Braşov who, at the proposal of the Executive Board, shall decide the competent commission, body, structure, institution or authority, and it shall redirect the referral to it.

b. If it finds that the complaint, although may fall materially within the competence of the CUDU, is inadmissible, the commission shall draw up a written report which shall be communicated to the complainant.

c. if it is established that the referral is within the CEDU competence, the commission shall appoint the members to analyse the matter. In this case the CEDU president appoints the case analysis committee. The case analysis committee shall have at least 3 members out of which at least 2 members of the teaching staff. One of the members of the teaching staff shall be the president of the analysis committee.

If one of the members of the Analysis Committee is the president or vice-president of the CEDU, he will necessarily be the president of the analysis committee.

d. it shall communicate in writing to the parties involved about the composition of the case analysis committee by at least one of the following means:

- for members of the academic community electronically via the institutional email address or through the registration service,

- for persons outside the academic community at the address provided by them,

informing them that the appeals or oppositions to these appointments can be communicated within 3 days at most from the date of communication.

No CEDU member can be prevented from being part of the case analysis committee, except for the cases in which there is a conflict of interest or other incompatibility with the object of the analysis, situation in which they have to abstain. The persons who are the subject of the referral or complaint can submit a removal request for two of the members of the commission at most. It is inadmissible to request the removal of all the members of the analysis committee or of all the CEDU members.

e. CEDU shall analyse any abstention or removal request, registered at the CEDU Secretary office, in the presence of at least 5 members. The abstention request is registered at the CE CEDU DPU Secretary office by its author in 24 hours at most from the date of the first meeting of the analysis committee. The removal request is recorded at the CEDU secretary office through the Registry Office of Transilvania University of Braşov, in 48 hours at most from its display specified in paragraph c) of this article or from the emergence of the incompatibility state.

Any removal or abstention request shall be formulated only in writing and must be justified.

If CEDU admitted the abstention or removal request of a member of the case analysis committee, the latter shall not participate in the case investigation and shall not exercise the right to vote in that case, being replaced by another CEDU member in the case analysis committee.

f. after deciding the composition of the analysis committee, the committee shall function according to the procedures in place.

g. CEDU shall solve the referral within 30 days from its registration by the CEDU and communicate in writing the result of the procedure to the author of the referral.

Art. 10. (1) If, following the registration of a referral, the case analysis committee ascertains the commitment or the existence of any other facts which can be considered offences of the academic ethics according to the legal provisions in force, and to the Code of Academic Ethics and Deontology, it will propose immediately that CEDU analyse of its own initiative the new facts. CEDU shall reach a decision concerning this referral within 5 days at most from the date of the registration of the referral by the case analysis committee at the CEDU Secretary Office. The acceptance of this referral shall lead to the beginning of a new research procedure on academic ethics, without affecting the time limit for solving the initial referral or complaint.

(2) The norms of this Regulation concerning abstention or removal in case of conflict of interest, as well as the ones referring to communicating the start of the procedures and their result shall apply appropriately.

Art. 11. (1) In fulfilling its duties, CEDU has the right to hear the author of the referral, as well as the person accused or any other person from the academic community who has knowledge about the aspects in question. Also, CEDU can hear any other person that the author of the referral or the person accused want to call to their defence. The rejection of the hearing of a person must be justified. CEDU must receive, in the case file, any document considered relevant by the parties or other documents requested by the case analysis committee.

(2) The persons who are the subject of the referral or complaint or any other persons who have knowledge about elements which are essential in solving the case shall be invited for investigation and hearing at least 3 days prior to the date of the meeting when they will be heard.

(3) They will be invited in writing, with acknowledgement of receipt. Their failure to attend shall not prevent the unfolding of the procedure. The persons invited to a hearing may request the postponement of their hearing by 3 days at most from the initial date, and if there are objective reasons why they cannot attend, they can communicate in writing to the commission their own points of view concerning the aspects which are the object of the referral, in this latter case the statement can be certified by a lawyer.

Art. 12. (1) The analysis committee shall draft, after having finished its investigation, a case report about its findings concerning the facts which constitute the object of the referral, as well as the proposals to solve the referral in question. This report shall be presented in the plenum of the CEDU by the president of the case analysis committee, within 25 days at most from the date the referral was registered with the CEDU. After finishing the analysis report, the CEDU president or vice-president convenes the CEDU members, within 2 days at most, in order to analyse and decide on the report.

(2) The report drafted by the president of the analysis committee, on the basis of statements and appendices, is signed by all the members of the commission. The different opinions of the commission members have to be noted and justified.

(3) The case reports of the analysis committee and the adopted decisions are subject to the approval of CEDU which shall issue a decision. The point of view expressed by the analysis committee shall not make it incompatible with the vote cast during the CEDU meeting.

(4) The CEDU decision signed by the president, concerning the case report of the analysis committee, shall be drafted in 5 copies for: CEDU, the Senate president, the Rector, the author of the referral and the person who is the object of the referral. The case report shall be part of the adopted decision.

Art. 13. (1) The term for solving the referrals is 30 calendar days. This term begins on the date the referral is registered in the CEDU Registry.

(2) The term shall be suspended for the periods during which the teaching staff is on legal leave and the students are on holiday, according to the provisions of the National Law of Education, with all subsequent changes, and to the decisions of the Senate of Transilvania University of Braşov concerning the structure of the academic year. The time limit may also be suspended for a defined period: before the initiation of the investigation procedure, at the reasoned request of the CEDU and with the agreement of the applicant; during the research at the request of either party, with the agreement of both parties.

Art. 14. The CEDU decision and case report can be appealed within the time limits stipulated by the laws in force, at the court of justice, according to the Labour Code and the related laws on the application of the sanctions specified at art. 18 of this Regulation, and to law no. 554/2004 of the administrative legal proceedings, with all subsequent changes, to apply the sanctions stipulated at art. 19 of this Regulation or, as the case may be, according to the provisions of Law no. 206/2004 on good conduct in scientific research, technological development and innovation, with all subsequent changes, of the National Ethics Council, for deviations from the norms of good conduct in research and development.

Art. 15. The activity of CEDU and of the analysis committees shall be recorded in the Registry of reports which is signed by each participant in the meeting.

Art. 16. The commission shall keep the case files for 10 years, in adequate storage space, made available by the Executive Board of the University.

IV. Sanctions

Art. 17. CEDU sanctions the offences stipulated by the laws in force and by the Code of Academic Ethics and Deontology, in proportion to their severity and in accordance with the legal provisions in force.

Art. 18. The sanctions which can be applied to the teaching and research staff and to the auxiliary teaching and research staff by the Commission of Academic Ethics, for breaching the academic ethics or for misconduct in research, as the case may be, are the following, according to the laws in force:

- a. written notice;
- b. withdrawal and/or correction of all the papers published which are in breach of the ethics norms, based on Law no. 206/2004;
- c. reduction of the cumulated base salary, as appropriate, and of the compensation for management, guidance and control;
- d. suspension for a fixed period of time of the eligibility to take part in contests for higher academic degrees or for a management, advisory and supervisory position, as member in the examining commission for a doctoral, master or bachelor degree;
- e. loss of the management position in education;
- f. disciplinary termination of the work contract.

Art. 19. The disciplinary sanctions which can be applied by CEDU to students and doctoral students for breach of academic ethics are the following:

- a. written notice;
- b. reduction of the scholarship for a semester at most, by 5 to 10%;
- c. suspension of the payment of the scholarship for one semester at most;
- d. interdiction to access the scholarship program for an indefinite period of time;
- e. interdiction to benefit from accommodation in the student dormitories for one academic year at most or for an indefinite period of time;
- f. expulsion.

Art. 20. (1) The sanctions set by the Commission of Academic Ethics and Deontology shall be implemented, by decision, by the dean or rector, as the case may be, within 30 calendar days from the date the sanctions are set by CEDU.

(2) It is the responsibility of the University Legal Office to draft the decision and the address through which the case solution is communicated and to send them to the parties involved.

Art. 21. The petitioner's rights. The petitioner has the following rights:

- a. to be guaranteed confidentiality if it does not hinder the case analysis;
- b. to be informed about the composition of the case analysis committee and to contest it, before the beginning of the investigation, in case of a conflict of interests or incompatibility;
- c. to participate in the process stages leading to the case solution;
- d. to receive a copy of the report of the case analysis committee and of the CEDU decision;
- e. to appeal against the CEDU decision.

Art. 22. The rights of the accused/petitioner. The accused benefits from the presumption of innocence and has the following rights:

- a. to ensure confidentiality to the extent that the analysis of the reported case is not hindered;
- b. to be informed about the composition of the case analysis committee and to contest it, before the beginning of the investigation, in case of a conflict of interests or incompatibility;
- c. to submit written statements and to request to be heard by the case analysis committee or by CEDU, as the case may be, if this is considered necessary for the defence;
- d. to receive a copy of the report of the case analysis committee and of the CEDU decision.

Art. 23. (1) The parties involved have the following obligations:

- a) to answer to the requests of the case analysis committee or of CEDU, as the case may be, without affecting the right to silence of the accused;
- b) to maintain the confidentiality of the proceedings, of the documents of the case analysis committee or of CEDU.

(2) The refusal of those directly involved to cooperate with the members of the case analysis committee and of CEDU, and to convey the requested materials and documents shall be mentioned in the record of proceedings but shall not stop the enquiry from being conducted and finalized.

(3) During the investigation of the case any party involved must adopt a civilized conduct.

V. Final and transient provisions

Art. 24. The management of the University shall ensure the material resources necessary for the activity specific for the fulfilment of the CEDU duties.

Art. 25. The references to this Regulation concerning the time limits for which any formality needs to be fulfilled shall be filled in with the provisions of the Code of Civil Procedure concerning the way the time limits are calculated.

Art. 26. Any disposition contrary to the provisions of these Regulations concerning the sanctions applicable as well as the way they shall be determined, such as the provisions of the Norms of application of the Code of Academic Ethics and Deontology, shall be abrogated at the date of the approval of these Regulations.

Art. 27. These Regulations shall come into force at the date of approval by the Senate of Transilvania University of Braşov.

These Regulations were approved in the meeting of the Senate of Transilvania University of Braşov of 30.09.2020.

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