

REGULATIONS

on the Organization and Operation of the Academic Ethics Committee

I. General provisions

Art. 1. The Academic Ethics Committee (hereinafter called CEU) is a structure of Transilvania University of Braşov, deliberative, without legal personality, independent, in the exercise of its attributions, of any other structure or person within the higher education institution, which aims at complying with the norms of academic ethics and deontology, including by analysing reports and sanctioning the infringements of the academic ethics, in accordance with the Code of Academic Ethics and Deontology. The Committee operates throughout the academic year, except for student holidays, according to the structure of the academic year approved by decision of the University Senate.

Art. 2. CEU is formed and conducts its activity based on the following regulatory documents:

- Law on Higher Education no. 199 of 2023, with subsequent amendments and additions;
- Law no. 206 of May 2004 on good conduct in scientific research, technological development and innovation, with subsequent amendments and additions;
- the Charter of Transilvania University of Braşov;
- the Code of Academic Ethics and Deontology, part of the Charter;
- and any other regulatory documents in force.

Art. 3. The organization, operation and specific working procedure of the Academic Ethics Committee are set in these Regulations on operation approved by the University Senate.

II. Rules on the organization and duties of CEU

Art. 4. (1) The structure and the members of CEU are proposed by the Executive Board, endorsed by the University Senate and approved by the Rector for a four-year term of office, except for the objective replacement of the members nominated at the beginning of the term of office, who continue the predecessor's term of office until its completion. The members of the Committee 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 Committee of Academic Ethics cannot hold the position of: rector, president of the senate, vice-rector, dean, vice-dean, general administrative director, deputy general administrative director, director of department, director of subsidiary, director of branch, as well as well as director of a research-development, design or micro-production unit within the higher education institution.

(1)¹ If a person validated in the Academic Ethics Committee is in the situation referred to in art. 4 para. (1), s/he has 15 working days to get out of the incompatibility situation.

(2) The four-year term of office shall start at the date the Rector approves CEU based on the Senate's endorsement.

(3) CEU is made up of 9 members, out of whom 7 members of the academic teaching personnel, research staff, auxiliary teaching and research staff, and 2 student members, regardless of their study cycle. The Committee members' names are information of public interest.

(4) CEU shall have a secretary, who is appointed from among the members of the Committee. The secretary shall be responsible for managing the documents of the Committee.

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

(2) They shall be responsible for the organization and operation of CEU.

(3) The Committee meetings shall be chaired by the president, and in his/her absence by the vice-president of the Committee. The Committee settles any case through reports and rulings or decisions, as appropriate.

(4) The CEU reports, decisions and rulings are adopted by a simple majority of those present.

(5) Each member has equal voting rights.

Art. 6. (1) CEU shall meet quarterly, in ordinary meeting, and whenever necessary, in extraordinary meeting. The Committee of Academic Ethics shall meet in ordinary meeting when convened by its president, or in case of his/her reasoned absence, by the vice-president.

The meeting quorum shall be of 7 members out 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 CEU or at the written request of a third of the Committee members. The president of CEU shall set the date, hour and place of the meeting and shall draft the agenda which shall be subject to the approval of CEU as soon as it convenes.

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

- a) to monitor, within the institution, the compliance with the codes of academic ethics and deontology;
- b) to ensure the fulfillment of the orders of the Minister of Education for compliance with the legal framework in the field of academic ethics and deontology;
- c) to analyse and solve the infringements of the academic ethics and deontology, based on self or third-party notices;
- d) to contribute to the drafting of the Code of Academic Ethics and Deontology, through proposals addressed to the University Senate for adoption and inclusion in the University Charter;
- e) to make an annual report on the state of compliance with the rules of academic ethics and deontology, which is presented to the Rector and the University Senate, and which is a public document;
- f) to carry out prevention activities regarding the infringement of the academic ethics and deontology rules;
- g) to monitor the courses on academic ethics and integrity;
- h) to propose for adoption to the University Senate the Regulations on the Organization and Operation of Ethics Committees;
- i) to collaborate with the advisory committees at the national level;
- j) any other duties laid down by the Law on Higher Education no. 199/2023 or set according to the University Charter.

Art. 8. In order to comply with the provisions of art. 162 para. (3) and of art. 163 lett. a) and f) in the Law on Higher Education no. 199 and until the elaboration and entry into force of the order issued by the Ministry of Education regarding the Framework Regulations on the Organization and Operation of Academic Ethics Committees, for the activity of issuing endorsements regarding the compliance with the ethics in the research activity, CEU will take into account the compliant endorsements assumed by specialists in research ethics, as follows:

- for the issuance of endorsements on the ethics of social-human scientific research by the Group of specialists in the ethics of social-human scientific research,
- for the issuance of endorsements on the ethics of biomedical research by the Group of specialists in the ethics of biomedical scientific research.

For each of the previously mentioned workgroups, their own working procedures are maintained and are consistent with Law on Higher Education no. 199/2023 or other regulations in force.

III. Procedure for the settlement of notifications or complaints

Art. 9. (1) Notifications or complaints by CEU are settled in compliance with the legal provisions in force, as well as with the procedure laid down by these Regulations.

(2) Any person inside or outside the University can refer to CEU the perpetration of an act that may constitute an infringement of the academic ethics and deontology by members of the academic community. The notification shall be in writing or online in accordance with the provisions of art. 171 para. (4) in LIS and shall be registered with the registry office of the education institution. The legal status (according to Labour Code) concerning the general statute of limitation of sanctions in case of disciplinary offences shall not apply to the breaches of academic ethics.

Art. 10 (1) CEU shall convene according to the legal provisions in force, as well as to the ones of these Regulations.

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

(3) The CEU meeting shall be convened by the CEU president or, in case of his/her reasoned absence, by the CEU vice-president.

(4) During this first CEU meeting:

a. if it is established that the Committee is not materially competent to solve the notification, 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 Committee, body, structure, institution or authority, and it shall redirect the notification to it.

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

c. if it is established that the notification is within the CEU competence, the Committee shall appoint the members to analyse the matter. In this case the CEU 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 personnel. One of the members of the teaching personnel 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 CEU, s/he will necessarily be the president of the Analysis Committee.

d. it shall communicate in writing the composition of the Case Analysis Committee to the parties involved through 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 a maximum of 3 days from the date of receipt of the communication.

No CEU 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 notification or complaint can submit a recusal request for two of the members of the Committee at most. The request for recusal of all the members of the Analysis Committee or of all the CEU members is inadmissible.

e. CEU shall analyse any request for abstention or recusal registered with the CEU Secretary office, in the presence of at least 5 members. The request for abstention is registered with the CEU Secretary office by its author within 24 hours at the latest from the date of the first meeting of CEU, held according to art. 10, para. (2)

of these Regulations. The request for recusal is registered with the CEU Secretary office, through the Registry Office of Transilvania University of Braşov, within 48 hours at the latest from the date of displaying the communication on the composition of the Case Analysis Committee, according to letter d) of this article or from the date of occurrence of the state of incompatibility.

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

If CEU has accepted the request for abstention made by a member of CEU, s/he cannot be nominated as a member of the Case Analysis Committee, nor shall s/he be able to exercise his right to vote in that case. If CEU admitted the request for abstention or recusal of a member in a 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 CEU 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. CEU shall solve the notification within 45 calendar days from its registration with CEU and communicate in writing the result of the procedure to the author of the notification.

Art. 11. (1) If, following the registration of a notification, the Case Analysis Committee ascertains the perpetration or the existence of any other facts that can be considered deviations from the academic ethics according to the legal provisions in force, and to the provisions of the Code of Academic Ethics and Deontology, it will immediately propose the ex officio notification of CEU regarding the new facts. On the request for self-notification of CEU, it shall reach a decision within 5 days at the most from the date of registering the notification to the Analysis Committee with the CEU Secretary Office. The acceptance of this request for self-notification shall lead to the beginning of a new research procedure on the breaches of the academic ethics, without affecting the time limit for solving the initial notification or complaint.

(2) The rules herein concerning abstention or recusal 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. 12. (1) In fulfilling its duties, CEU has the right to hear both the author of the notification and the person concerned, as well as any other person within the academic community who has knowledge of the notified issues. Moreover, CEU may hear any other person that the author of the notification or the person concerned want to call to their defence. The rejection of the request to hear a person must be justified. CEU must receive on probation, 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 notification 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 the most from the initial date, and in the event of objective impossibility to attend, they can communicate in writing to the Committee, until the date scheduled for the hearing, their own points of view concerning the aspects which are the object of the notification, in this latter case the statement can be certified by a lawyer.

Art. 13. (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 notification, as well as the proposals to solve the notification in question. This report shall be presented in the plenum of CEU by the president of the Case Analysis Committee, within at most 35 calendar days from the date of registering the notification with CEU. After finishing the analysis report, the CEU president or vice-president convenes the CEU members, within 3 days at the 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 minutes and appendices, is signed by all the members of the Committee. The different opinions of the Committee members must be written down and justified.

(3) The case report of the Analysis Committee and the adopted decisions are subject to the approval of CEU 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 CEU meeting.

(4) The CEU decision, signed by the president, as regards the case report of the Analysis Committee, shall be drafted in 5 copies for: CEU, President of the Senate, Rector, the author of the notification and the person concerned by the notification. The case report is part of the adopted decision.

(5) The decision of the Academic Ethics Committee is an administrative act.

Art. 14. (1) The time limit for the settlement of notifications is 45 calendar days. This time limit begins on the date of registration of the notification with the institution's registry office, for direct notifications, or in the CEU's Entry-Exit Register for notifications directed at the institutional level.

(2) The time limit shall be suspended for the periods during which the academic teaching personnel is on legal leave and the students are on holiday, according to the provisions of the Law of Higher Education, with subsequent amendments and additions, 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 set period: before the initiation of the investigation procedure, at the reasoned request of CEU and with the consent of the complaining party, during the investigation, at the request of either party, with the agreement of both parties.

Art. 15 (1) The decision and the case report of CEU can be contested, within 30 days from the communication, at CNEMU, CNATDCU or CNECSDTI, as appropriate, within the time limits laid down by the legislation in force, at courts, according to Law no. 554/2004 of the administrative litigation, with subsequent amendments and additions.

(2) The appeal registered based on the provisions of para. (1) it is also communicated to the higher education institution in order to comply with the provisions of Art. 21 para. (1) of these Regulations.

Art. 16. The activity of CEU and of the Analysis Committees shall be recorded in the registry of minutes which is signed by each participant in the meeting.

Art. 17. The Committee shall keep the case files for 10 years, in an adequate storage space, made available by the Executive Board of the University.

IV. Sanctions

Art. 18. CEU 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. 19. The sanctions that can be applied to the teaching and research staff and to the auxiliary teaching and research staff by the Academic Ethics Committee, for infringement of the academic ethics or for misconduct in scientific 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 works published through infringement of the academic ethics and deontology;
- c) dismissal from the management position;
- d) prohibition, for a determined period, of the access to financing from competitive public funds;
- e) suspension, for a determined period of time, between 1 and 5 years, of the right to register for a competition to fill a position a higher position or a management position, or as a member of competition commissions;

f) dismissal from the teaching or research position.

Art. 20. The disciplinary sanctions which can be applied by CEU to students and doctoral students for infringing academic ethics are the following:

- a) written notice;
- b) annulment of the evaluation results;
- c) expulsion.

Art. 21. (1) The sanctions set by the Academic Ethics Committee shall be implemented, through decision, by the Rector, as the case may be, within 30 days from their issuance as final and binding.

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

Art. 22. The rights of the complaining party. The complaining party has the following rights:

- a. to be guaranteed confidentiality, to the extent that the analysis of the referred case is not hindered;
- b. to be informed about the composition of the Case Analysis Committee and to contest it, before the start of the investigation, in case of conflicts of interests or incompatibility;
- c. to participate in the procedural stages specific to the settlement of the case;
- d. to receive a copy of the report issued by the Case Analysis Committee and of the decision made by CEU;
- e. to appeal against the CEU decision.

Art. 23. The rights of the party concerned / complained against. The party complained against benefits from the presumption of innocence and has the following rights:

- a. to be guaranteed 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 conflicts of interests or incompatibility;
- c. to submit written statements and to request to appear before the Case Analysis Committee or before CEU, as the case may be, if this is considered necessary for the defence;
- d. to receive a copy of the report issued by Case Analysis Committee and of the CEU decision.

Art. 24. (1) The parties involved have the following obligations:

a) to respond to the requests of the Case Analysis Committee or of CEU, as the case may be, without affecting the right to silence of the one concerned.

b) to keep confidential about the proceedings, about the documents of the Case Analysis Committee or of CEU.

(2) The involved persons' refusal to cooperate with the members of the Case Analysis Committee and of CEU, and to make the requested materials and documents available to the latter shall be mentioned in the minutes, and shall not prevent the investigation from continuing and being finalized.

(3) Throughout the investigation of the case, any party involved must adopt a civilized demeanour.

V. Final and transitory provisions

Art. 25. The management of the University shall provide the necessary conditions for carrying out the activities specific to the fulfilment of the CEU duties.

Art. 26. All the references of these Regulations to the time limits within which any formality must be fulfilled shall be supplemented with the provisions of the Code of Civil Procedure on the way the time limits are calculated.

Art. 27. Any provision contrary to these Regulations concerning the sanctions applicable as well as to the way of settling them, such as the provisions of the Rules for the Application of the Code of Academic Ethics and Deontology, shall be abrogated from the date of approval of these Regulations.

Art. 28. These Regulations shall enter into force at the date of their approval by the Senate of Transilvania University of Braşov.

These Regulations were discussed and approved in the meeting of the Senate of Transilvania University of Braşov on 04.09.2023 .

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