



REGULATION

on the organization and operation of the disciplinary committees of Transilvania University of Braşov

Chapter I. General provisions

Art. 1 The disciplinary committees of Transilvania University of Braşov are internal bodies, with no legal status, whose purpose is to analyse independently the disciplinary offences committed by members of the university community and of the administrative staff, and to propose solutions through a process of deliberation. These committees settle referrals or complaints by proposing disciplinary sanctions or they dismiss them, as appropriate.

Art. 2 The disciplinary committees are formed and operate according to the following laws:

- The Law of National Education, Law no. 1/2011, with all subsequent changes (hereinafter called LEN);
- Law no. 206/2004 on good conduct in scientific research, with all subsequent changes;
- Labour Code – Law no. 53/2003, republished, with all subsequent changes (hereinafter called Labour Code);
- the Charter of Transilvania University of Braşov;
- the internal rules and regulations of Transilvania University of Braşov.

Art. 3 (1) The organization, activity and specific working instruments of the disciplinary committees of Transilvania University of Braşov are set in these Regulations concerning their organization and activity, approved by the University Senate.

(2) The disciplinary committees are established at the level of each faculty, as well as at university level.

Chapter II. Norms concerning the responsibilities and the organization of the disciplinary committees

Art. 4 (1) The structure and the members of the disciplinary committees at faculty level are subject to the approval of the University Senate, at the proposal of the Executive Board, at the beginning of the academic year, for a four-year period. As a result of the University Senate vote, the Rector appoints the committees. These are appointed to settle the complaints involving possible disciplinary offences committed by the teaching and the research staff, the auxiliary teaching and research staff.

(2) Each of these disciplinary committees is made up of 3 members, professors or associate professors, appointed through the Rector's decision, with the approval of the University Senate. The disciplinary committee can be made up of teaching staff with the same academic degree as the person being investigated.

Exceptionally, for good cause, the Rector shall appoint, with the approval of the University Senate, two additional members in the disciplinary committee.

(3) If, compared to the academic degree of the person being investigated, the members of the disciplinary committee cannot analyse the situation, the members with a lower academic degree than the person subject to



the investigation will be lawfully replaced by the appropriate number of members, including the alternate members of the university disciplinary committee.

(4) One of the members of the disciplinary committee of each faculty (hereinafter called Faculty Committee or Faculty Committees, as the case may be) must be a representative of the University Union, irrespective of their academic degree. If the union representative is incompatible or is the subject of a disciplinary procedure, he/she shall be replaced by one of the alternate members of the University Disciplinary Committee, observing the order in which they were named by the University Union.

Art. 5 (1) The structure and the members of the University Disciplinary Committee (hereinafter called University Committee) are subject to the approval of the University Senate, at the proposal of the Executive Board, at the beginning of the academic year, for a four-year period. As a result of the vote of the University Senate, the Rector will appoint the committee. It shall have jurisdiction to solve any potential disciplinary offence committed by staff working in offices, departments, faculties, by the employees working for the Executive Board, by the teaching and non-teaching staff in management positions at Transilvania University of Braşov, according to the legislation in force.

(2) In duly justified cases, for reasons of potential incompatibility or conflicts between the members of the committee at the faculty level and the person being investigated, the offences committed by other persons shall be analysed by the Disciplinary Committee appointed at the University level, duly invested by the Rector, at the proposal of the Executive Board, and with the approval of the Senate for each individual case, according to the provisions of paragraph 4 of this article.

(3) The University Committee is made up of 3 members, appointed through the Rector's decision, with the approval of the University Senate, all teaching staff holding the academic degree of Professor. Exceptionally, for good cause, the Rector shall appoint, with the approval of the University Senate, two additional members in the disciplinary committee.

(4) Following the same procedure as the one mentioned in paragraphs 2 and 3 of this article, five alternate members of the University Committee are appointed, each holding the academic degree of Professor. Upon approving the list of alternate members, the Senate decision shall also mention the disciplinary committee at the faculty level of which each of them can be a member. In duly justified cases, for reasons of potential incompatibility or proven conflicts between the members of the University Committee and the person under investigation, the committee member in this situation will be replaced by one of the five alternate members of the University Committee. Upon the approval of the list of alternate members, the decision of the Senate will also include the order in which they will be appointed in the University Committee.

(5) Necessarily, one of the members of the University Committee will be a representative of the University Union, irrespective of their academic degree. The University Union shall appoint two alternate members in the University Committee.

(6) If the union representative is incompatible or is the subject of a disciplinary investigation, he/she will be replaced by one of the alternate members in the University Committee, in the order in which the members were nominated by the University Union.

Art. 6 (1) The members of the disciplinary committees are appointed by Rector's decision, with the approval of the University Senate, at the beginning of the academic year, for a four-year period.

(2) If, for objective reasons, it is necessary to replace one of the members of any committee, the new member will be appointed for the remaining period of the mandate of the member being replaced.

(3) The members of any disciplinary committee cannot be part of the extended family or the in-laws or the husband/wife of the person who referred the matter or submitted the complaint to the committee or the person being investigated; also, they cannot be part of the extended family or the in-laws or the husband/wife of the Rector or of the Dean.



(4) In case of incompatibility, according to the same procedure stipulated in art. 4 and art. 5 of these Regulations, a new member will be appointed to replace the incompatible member.

Art. 7 (1) The chair of each disciplinary committee is chosen by its members.

(2) The chairs of the disciplinary committees are in charge of the activity of the committee.

(3) The secretary of the Disciplinary Committee at the faculty level is appointed by the Faculty Council, and the secretary of the University Disciplinary Committee is appointed by the Executive Board, his/her responsibilities shall be stipulated in the decision to appoint. The secretaries of these committees are appointed only from the auxiliary teaching staff, and they are not members of the committees.

(4) Each committee member shall have an equal right to vote.

(5) The committee deliberations shall be confidential.

(6) The documents pertaining to the cases investigated by the committees, including those from previous mandates, shall be archived and managed by the committee secretary at the faculty level and by the office of the Vice-Rector for Public Relations.

Chapter III. Referral to the disciplinary committee. The duties of the Committee

Art. 8 (1) The committee can receive a written referral from the Rector, the Dean, the Head of Department, the head of the office where the person referred to works, by decision of the Faculty Council, Executive Board, University Senate, or the referral of at least 2/3 of the total number of department members. The referral will include a disciplinary sanction proposed by its initiator; based on this proposal, the disciplinary committee competent to settle the case will be legally formed.

(2) In case the referral is initiated by other persons than the ones specified in the previous paragraph, the superior of the nominated person shall specify the proposed sanction in order to form the disciplinary committee.

Art. 9 (1) The Committee has the following duties:

(a) to discuss the referrals/complaints received;

(b) to investigate the case by hearing the persons under investigation; summoning them for the hearing shall be done by written notice communicated at least 3 days prior to the date of the hearing before the committee; the refusal of the investigated person to appear before the Committee or to give statements will not stop the investigation. In this respect, the Committee shall hear the persons involved, namely the person who submitted the referral, the person against whom the complaint was submitted and other people who can provide information about the case, it shall examine the documents and evidence in the file, shall request new evidence and determine the facts and circumstances of the facts and their consequences;

(c) to draft the Final Report of the Committee concerning the investigated case, which will include the sanctions proposed or the dismissal of the case. The Final Report will include: the description of the referred action being investigated; the reasons why the arguments brought forward by the investigated person were rejected; whether the investigated actions exist or not, as well as the proposal to implement a sanction or to dismiss the case, as appropriate. Also, through this report, the Committee may make suggestions concerning the aspects discussed with the aim of improving the activity of the bodies involved in the disciplinary inquiry;

(d) to transmit, confidentially, the Final Report to the interested parties – defendant, petitioner, the Faculty Council, and the University Senate and Executive Board, respectively;

(e) to present the Final Report to the University Senate or the Faculty Council, as the case may be, in order to decide the disciplinary sanctions proposed by the Committee; the University Committee report is also presented in front of the Executive Board, for information purposes.

(2) The persons directly involved and those invited are summoned for the investigation at least 3 days prior to the meeting, in writing, through letter with acknowledgement of receipt sent to the address specified in their



personal file at the Human Resources Office, as well as to the coordinating faculty/department, for the University employees, mentioning the date, hour and place of the meeting. For students, the notice will be sent to their home address specified in the personal file at the faculty secretary's office, as well as to the faculty headquarters. The petitioner, who is not an employee or student of Transilvania University of Braşov, shall be notified at the address indicated in the referral or in the complaint submitted to the University.

(3) The Final Report of the Committee, signed by the members present, according to paragraph 4 of this article, shall be endorsed by the legal advisor of the University in terms of its legality, before being registered at the faculty secretary's office or at the University Register Office, as appropriate.

(4) The activity of the Committee shall take place in the presence of at least 2/3 of its members (meeting quorum). The Final Report shall be adopted with 2/3 of the votes of its members.

Art. 10 (1) The Final Report of the Faculty Committee or the University Committee, as the case may be, is subject to debate and approval by the Faculty Council, by the chair of this committee, in the situations specified by art. 313 paragraph (2) I corroborated with art. 312 paragraph (2) a) and b) of LEN. In this sense, the Faculty Council shall adopt a decision including also the disciplinary sanction, as appropriate.

(2) The Final Report of the Faculty Committees as well as that of the University Committee, as appropriate, is subject to the debate and approval of the University Senate, by the chairs of these committees, in the situations stipulated by art. 312 paragraph (2) c) - e) of LEN. In this respect, the University Senate shall adopt a decision including also the disciplinary sanction, as appropriate.

(2¹) The Final Report of the University Committee concerning actions committed by the staff categories specified in art. 5 paragraph (1) III, which include the technical, clerical and administrative staff and non-teaching staff, shall be presented for the debate and approval of the University Senate by the chair of this committee, according to the Labour Code. In this respect, the University Senate shall adopt a decision including also the disciplinary sanction, as appropriate.

(3) The meeting quorum for the Faculty Committees and the Senate, necessary to discuss a final report of a disciplinary committee is of 50% + 1 of the members of each body – Faculty Council and Senate, the adoption of the final decision is conditioned by the vote of the qualified majority of 2/3 of the members present at the meeting in question.

(4) Drafting the sanction decision, based on the decision of the Faculty Council or of the University Senate, as appropriate, is the duty of the Legal Office and of the Human Resources Office.

(5) Both the decision of the Faculty Council or of the University Senate, as the case may be, and the decision to sanction shall be immediately communicated to the parties involved through the Human Resources Office, and the decision of the Faculty Council or of the Senate, as the case may be, shall be communicated by publication on the website. Also, a copy of the Final Report of the Faculty Committee or of the University Committee, as the case may be, shall be transmitted to the parties involved – the person being investigated, the petitioner, at the address in the personal file at the Human Resources Office of the University, as well as to the faculty for the university employees. For students, the decision shall be transmitted to the address in the student's file at the faculty secretary's office, and to the faculty. For those who are not employees or students of Transilvania University of Braşov, the decision shall be transmitted to the address indicated in the referral or complaint registered at the University.

Art. 11 The decision to sanction may be appealed against by the sanctioned person at the competent courts of law, according to the laws in force.

Art. 12 (1) The proceedings of the disciplinary committees are recorded and validated through the signature of the Committee members and of the participants in solving the situations signalled in the referral or the complaint.



(2) The Final Report of the Faculty Committee or of the University Committee, as appropriate, shall be issued in two copies – one for the committee and one for the Faculty Council or the University Senate, as the case may be.

(3) The Final Report of the Faculty Committee or of the University Committee, as appropriate, shall be signed by all its members.

Art. 13 The faculty or university secretary's office, as appropriate, shall archive all the files of the disciplinary committees, for the period stipulated by the laws in force. The access to these documents is permitted only with the approval of the University Rector or the Faculty Dean, as the case may be.

Chapter IV. Disciplinary sanctions

Art. 14 The disciplinary sanctions apply in case of non-compliance with the obligations specified in the individual work contract, the code of discipline, and the provisions of the University regulations.

Art. 15 (1) The disciplinary sanctions which can be applied to the members of the academia – teaching and research staff and auxiliary teaching staff, are the following:

- a) written notice;
- b) reduction of the cumulated base salary, as appropriate, and of the compensation for management, guidance and control, for a period of 1-3 months, by 5-10%;
- c) 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 committee for a doctoral, master or bachelor degree, for a period of up to three years;
- d) loss of the management position in education;
- e) disciplinary termination of the work contract.

(2) The Faculty Dean or University Rector, as appropriate, shall implement the disciplinary sanction proposed by the Faculty Committee or the University Committee, as the case may be, based on the Final Report submitted to the Faculty Council or University Senate, as appropriate.

Art. 16 If, upon receiving the report of the disciplinary committee, the Faculty Council considers that one of the sanctions stipulated by art. 312 paragraph (2) a) and b) of LEN is not sufficient in proportion to the disciplinary offence, within 7 days from receiving the report, it will submit it to the University Senate to decide on one of the sanctions stipulated by art. 312 paragraph (2) c) of LEN.

Art. 17 (1) The disciplinary sanctions which can be applied to the university administrative staff, according to the Labour Code, are the following:

- a) written notice;
- b) demotion, by granting the salary for the position to which the employee was demoted, for a period which cannot exceed 60 days;
- b) reduction of the base salary for a period of 1-3 months, by 5-10%;
- c) reduction of the base salary and/or, as appropriate, of the management compensation, for a period of 1-3 months, by 5-10%;
- d) disciplinary termination of the work contract.

(2) The disciplinary sanctions mentioned above which can be applied to the administrative staff are decided by the University Senate at the proposal of the University Disciplinary Committee, through the same decision concerning the case report presented by the committee.

(3) The University Rector implements the disciplinary sanction proposed by the Committee based on the approval of the Final Report by the University Senate.



Art. 18 The disciplinary sanctions shall be implemented within 30 calendar days from the date the Final Report of the disciplinary committee was registered at the faculty secretary's office or at the university's Registry Office, as appropriate.

Art. 19 (1) Disciplinary fees are forbidden.

(2) For the same disciplinary offence only one sanction out of the ones mentioned above can be applied.

Art. 20 (1) The parties directly involved (petitioner and defendant) have the following obligations:

a) to attend the hearings, at the request of the Faculty Committee or the University Committee, as appropriate;

b) to maintain the confidentiality of the proceedings.

(2) The refusal of those directly involved and of those summoned to convey the needed information in order to solve the referral or the complaint to be present at the hearing and to give written statements shall be mentioned in the record of proceedings but shall not stop the enquiry from being finalized.

Art. 21 The parties directly involved have the following rights:

a) to be informed about the members of the Faculty Committee or the University Committee, as appropriate, and to contest the participation in the disciplinary investigation of any person in case of a conflict of interests or incompatibility;

b) to receive a copy of the Final Report of the Faculty Committee or the University Committee, as appropriate;

c) to appeal against the decision of the Faculty Council or the University Senate, as appropriate, concerning the Final Report of the Faculty Committee or the University Committee, as appropriate, as well as against the decision to sanction, according to the laws in force;

d) to be assisted, on demand, by a representative of the union he is a member of;

e) to be assisted or represented by a lawyer in front of the Faculty Committee or the University Committee, as appropriate according to the laws in force.

Art. 22 If the person receiving the disciplinary sanction has committed no disciplinary offences during one year from the date the sanction was implemented, has improved his/her activity and behaviour, the Dean or Rector who implemented the disciplinary sanction, as the case may be, may decide to delete the disciplinary sanction, with the appropriate mention in the personal file of the person in question, by the Human Resources Office of the University.

Chapter V. Final and transient provisions

Art. 23 (1) Any person may submit a referral to Transilvania University of Braşov, and to any of its faculties, concerning any action which may represent a disciplinary offence.

(2) As an exception to article 6 paragraph 1, the mandate of the disciplinary committees of Transilvania University of Braşov, whose member list has been modified through this regulation, may begin at the date of the approval of those committees in the Senate.

Art. 24 The management of the University shall ensure the material resources necessary for the activity of the disciplinary committees. The remuneration of these committees may be performed with the Rector's approval.

Art. 25 (1) The provisions of this Regulation come into force on the date it is adopted by the Senate.

(2) The provisions of the Regulations on the activity of the Disciplinary Committee of the University Senate discussed and approved in the meeting of the Senate of Transilvania University of Braşov of 8.07.2011, with all subsequent changes approved in the meeting of the same Senate of 27.11.2013, are revoked at the date these regulations come into force.



(3) The cases which are currently being investigated by the disciplinary committees are solved based on the regulations in force at the moment the referrals were submitted.

The modifications of these Regulations were discussed and approved in the meeting of the Senate of Transilvania University of Braşov of 24.10.2018.

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