



## **RULES OF PROCEDURE**

### **Chapter I Introduction**

**Art. 1** These Regulations govern the labour relations between the employer – Transilvania University of Braşov, hereinafter called UNITBV, on the one side, and its employees with both open-ended and fixed-term individual labour contracts, on the other side, as well as the labour relations concluded in the special forms provided for in the specific legislation for the field of education. Their provisions refer to the work organization and discipline, to the occupational hygiene and safety, to the obligations and rights of both employer and employees.

**Art. 2** The provisions of these Regulations abide by the demands enforced through the Labour Code (Law no. 53/2003 with subsequent amendments), Law on Occupational Safety and Health (Law no. 319/2006), Law on Equal Opportunities and Treatment between Men and Women (Law no. 202/2002), Law of Higher Education (Law no. 199/2023), University Charter, Collective Labour Contract, as well as other statutory rules and regulations in force.

The provisions herein are complemented with general or specific internal rules and standards adopted by the University Senate or the Executive Board.

**Art. 3** The purpose of these Regulations is to ensure the proper operation of the institution and to create an environment conducive to the institutional and professional development of the employees and students, based on the following principles:

- the principle of academic freedom;
- the principle of equal opportunities and treatment;
- the principle of mutual respect between the institution (legal entity) and its employees, respectively among the employees, between the institution and its students, between employees and students;
- the principle of transparency;
- the principle of compliance with professional ethics;
- the principle of personal responsibility towards the institution and society alike, for the activity conducted on every level: didactic, scientific, administrative, etc.;
- the principle of the freedom of association for the defence of rights and the promotion of professional, social, cultural or economic interests.

**Art. 4** The persons who do not have legal relations with Transilvania University of Braşov, but who conduct their activity on its territory or who are on its premises for professional or personal interests shall comply, in addition to the specific rules of their institution, with the provisions of these Regulations that apply to them.

**Art. 5 (1)** In the event there is solid evidence on the impairment of the physical or mental integrity of the students and/or academic teaching personnel through unauthorised access on the University's premises and/or campus, Transilvania University will immediately notify the competent public authorities, based on the complaint of the persons affected by the incident, with the institutional notification being complementary to



the direct notification of the act to the competent authorities.

(2) In the event there is solid evidence on any harm to the conduct of the specific activities within the university, by persons who display/use improper conduct and/or language, and/or who endanger the conduct of these activities, especially if the suspicious persons become recalcitrant, Transilvania University will immediately notify the competent public authorities, based on the involved persons' complaint/deposition.

(3) The academic teaching personnel may request the identification of the persons on the University's premises if the latter have an improper conduct, and in case their presence on these premises proves unjustified, the University's security staff, respectively the building administrators will be notified.

(4) The security staff of the institution will ask the persons to identify themselves upon access into the University's buildings; and, as regards the suspicious persons who do not justify their presence on the premises of the institution/in the event of discrepancies, their access to the University's premises and/or campus may be limited based on the aforementioned investigation.

(5) In the situations referred to in para. (4), the University's employees may call the (university) police/public order authorities to the structure/building where the incident occurs, with a view to protecting their physical integrity, as well as to maintaining law and order.

## **Chapter II Provisions on the compliance with the principle of non-discrimination and eradication of any transgression against dignity**

**Art. 6** Within Transilvania University of Braşov, the labour relations between the employer and its employees, as well as the relations among the employees unfold according to the principle of equality, and comply with the authority conferred by the law to the administrative and didactic structures, but also with every employee's job description and his/her dignity.

**Art. 7** Discrimination against an employee or candidate for a vacant position, based on criteria of gender, sexual orientation, genetic characteristics, age, national membership and allegiance, race, colour, ethnicity, political opinion, social origin, disability, family situation, financial situation, trade union membership or activity, is prohibited.

**Art. 8** Transilvania University of Braşov ensures equal opportunities and treatment between women and men in the labour relations, to the effect that it grants non-discriminatory access to:

- a) free choice or exercise of a profession or activity;
- b) employment in all vacant positions or jobs, and at all levels of the professional hierarchy;
- c) equal income for work of an equal value;
- d) professional information and counselling, programmes of professional initial training, qualification, development/upskilling, specialization or retraining;
- e) promotion to any hierarchical and professional level;
- f) labour conditions that abide by the standards of occupational safety and health, according to the provisions of the applicable legislation;
- g) benefits, other than the salary ones, as well as social security;
- h) employers' organizations and professional associations, as well as the related benefits.

**Art. 9** Transilvania University of Braşov prohibits any gender-based discrimination which involves the employer's use of practices that might disadvantage the persons of a certain gender, in labour relations, in relation to:

- a) the notification on and organization of competitions and exams, as well as the candidates' selection, in order to fill the vacancies in the public or private sector;
- b) the conclusion, suspension, modification and/or termination of the legal labour or institutional relations;
- c) the establishment or modification of the duties in the job description;



- d) the establishment of the remuneration;
- e) the benefits, other than the salary ones, as well as the social security;
- f) the professional information and counselling, the programmes of professional initial training, qualification, development/upskilling, specialization or retraining;
- g) the individual performance appraisal;
- h) the professional promotion;
- i) the enforcement of disciplinary measures;
- j) the right to join the trade union and related access to the benefits arising therefrom;
- k) any other working conditions, according to the applicable legislation.

**Art. 10** The workplaces where, due to the nature or framework of the relevant professional activities, a gender-specific feature is a genuine and decisive occupational prerequisite, are exempted from the application of the provisions in art. 8 lett. a), provided that the pursued objective is legitimate and the prerequisite is commensurate.

**Art. 11** A person's harassment and particularly sexual harassment at work or in another place where s/he conducts his/her activity are considered gender-based discrimination. Such acts are prohibited and punishable by law. The decisions on a person must not be affected by his/her acceptance or rejection of a harassment- or sexual harassment-related behaviour.

**Art. 12** Any behaviour defined as harassment or sexual harassment falls within gender discrimination, if it is aimed at:

- (1) creating an intimidating, hostile or discouraging atmosphere at work for the affected person;
- (2) negatively influencing the employee's situation in terms of professional promotion, remuneration or any type of income, or his/her access to professional training and development/upskilling, in case of his/her refusal to accept an unwanted behaviour related to the sexual life.

**Art. 13** The employer's unilateral modification of the labour relations or working conditions, including the dismissal of the employee who has filed/lodged a notification or complaint with UNITBV, or who has lodged a complaint with the competent court, as provided for in art. 43 para. (2) of the Law no. 202/2002, republished, for the application of the aforementioned legal provisions, after the issuance of the final sentence, except for solid reasons unrelated to the case, falls within discrimination and is therefore prohibited.

**Art. 14** The refusal to hire a person who does not meet the professional demands and standards is not a transgression of these Regulations, provided it is not an act of discrimination.

**Art. 15** Any nationalist-chauvinistic behaviour, of incitement to racial or national hatred, or a behaviour aimed at prejudicing dignity or at creating an intimidating atmosphere, which encourages hostile, degrading, humiliating or offensive attitudes against a person or a group of persons, is a transgression of these Regulations.

### **Chapter III Employer's rights**

**Art. 16** (1) The employer has the right to decide on its own development strategy in accordance with the relevant objectives established by the management structures of UNITBV, as well as with the available funds.

(2) The employer has the right to decide on its own establishment plan, in accordance with the statutory legislation and with the objectives set out in the development strategy. The organization chart of the institution and any modification thereof is submitted to the University Senate for approval.

(3) The employer is entitled to control how the employee abides by the work schedule, fulfills his/her job duties,



and observes work discipline.

(4) The employer has the right to impose disciplinary sanctions, according to the applicable legislation and internal procedures, on its employees, for their failure to abide by the work schedule, to fulfill their job duties, for disciplinary offenses, as well as in other situations provided for in the applicable rules and regulations.

(5) The employer has the right to modify the job description, depending on the development strategy and needs of the institution, in compliance with the statutory legislation.

(6) The employer has the right to start, according to its internal rules and regulations and to the statutory legislation, the procedures for the investigation of the disciplinary offenses and/or of the transgressions on the ethics rules, as appropriate.

#### **Chapter IV Employer's obligations**

**Art. 17** (1) The employer shall inform the employees of their duties, as referred to in the job descriptions made by the hierarchical superior, of the conditions required for their fulfilment, of the sanctions for ascertained offences, as well as of the ways to challenge these sanctions.

(2) The employer shall clearly establish each employee's duties, properly equip the workplaces, provide work equipment according to the statutory provisions, as well as ensure the conditions imposed by the regulations on the compliance with the rules and standards of occupational safety and health.

(3) The employer shall grant the employee all the rights provided for in the law, the collective labour contract and the individual labour contract.

(4) The employer shall take the requisite measures in order to prevent the exposure of the employees who are pregnant, who have recently given birth, or who are breastfeeding, to risks that might affect their health and safety, as well as not compel them to perform work that is harmful to their health, state of pregnancy or newborn child.

(5) The employer shall present an annual report on the University's financial and accounting situation for the previous year, but also the forecasts for the current year.

(6) The employer shall ensure the confidentiality of the employees' personal data, unless otherwise provided by law.

(7) The employer shall decide, and then inform the petitioners, within the statutory time-limit, on the ways of settling the notifications, complaints and appeals lodged by the employees with the University's Registry Office. The applications lodged by the employees with the University's Registry Office, in compliance with the statutory legislation, will be settled within 30 calendar days. As regards the emergency situations, justified by the petitioner, the applications will be settled within 14 calendar days.

(8) All personnel categories are employed on the basis of a competition or examination, as the case may be, according to a methodology, and under the specific conditions of the vacancy, with the observance of the statutory legislation.

#### **Chapter V Employee's rights**

**Art. 18** (1) The employee has all the salary, professional and personal rights arising from the statutory legislation, the collective labour contract, the individual labour contract, as well as the regulations adopted by the University.

(2) The employee is entitled to holidays, daily and weekly rest, paid days off for special family events, as well as days off on public holidays, according to the statutory legislation, the collective labour contract and the individual labour contract.

(3) The duration of the working time is set according to the field of activity, and is expressly stipulated in the individual labour contract.

(4) As regards some activities which require more working hours than provided for in the labour code, the work



schedule is 12 hours/day x 20 days, with 10 days off each month, in order to comply with the annual average of 48 hours per week.

(5) The established work schedule may be changed by employer-employee agreement, which will be stipulated in the individual labour contract.

(6) The employee is guaranteed all legal rights ensuing from the compliance with the rules and standards of occupational safety and health.

(7) The employee has the right to be informed, consulted and co-opted, directly or through lawfully elected representatives, in making the important decisions for the University's activity.

(8) The employees have the right to free association in compliance with the statutory legislation.

(9) The employees have the right to defend their individual and collective interests, in their relations with the employer, subject to the observance of the statutory legislation, of the internal rules and regulations, as well as of the conditions set out in the job description, collective labour contract and individual labour contract.

(10) The employees are entitled to notify, complain or challenge, as regards the alleged perpetrator of the act or acts, to the hierarchical superior body, and respectively, as regards the acts and decisions that prejudice their dignity, rights or authority, directly to the Executive Board or the Senate, as the case may be.

(11) The employees have the right, in case they consider themselves subjected to gender or sex discrimination, to file notifications/complaints to or against the employer, if the latter is directly involved, and to seek support from the trade union or employee representatives of the institution, in order to settle their job situation.

(12) In case such notification/complaint has not been settled at the employer's level, through mediation, the employee who presents factual elements that lead to the presumption of direct or indirect gender discrimination in the field of labour, under the provisions of the Law no. 202/2002, is entitled both to forward the complaint/notification to the National Agency for Equal Opportunities between Women and Men, and to address the competent court, within whose territorial jurisdiction the employer or perpetrator conducts his/her activity, within one year of perpetration of the offence.

(13) The University's employees have the right, upon request, to benefit from unpaid leave, as follows:

a) the academic teaching personnel are entitled to unpaid leave, as provided for in the Law of Higher Education no. 199/2023 with subsequent amendments (hereinafter called LIS);

b) the auxiliary teaching and research personnel, the TESA and administrative staff, but also the academic teaching personnel, are entitled, apart from the rights recognised by the Law of Education, to 30 working days of unpaid leave during a calendar year, with the possibility of extension, under duly justified conditions, up to a maximum of 90 working days during a calendar year, in order to solve personal situations;

c) in addition to the paid leave for raising a child up to the age of 2, regardless of her initial option, the mother-employee may benefit from another year of unpaid leave for childcare;

(14) The University's employees are entitled to unpaid leave, the cumulative duration of which may not exceed 90 working days during a calendar year, in the following situations:

(a) to take the entrance exam for higher-education institutions, the academic year exams, the graduation/bachelor's final examination/dissertation, as regards the employees pursuing a form of higher education, who then need to provide proof of enrolment in a study programme.

b) to take the entrance exam for the doctorate, the doctoral exams, or to defend the doctoral thesis, as regards the employees who do not benefit from doctoral scholarships;

c) to enter a competition in order to fill a position in another unit;

d) to attend short-term training courses.

(15) The unpaid leave, regardless of its duration or reason, is granted on the basis of the employee's application lodged, together with the documents set out in the applicable legislation, with the University's Registry Office, at least 15 days before the start date of the unpaid leave, and must be endorsed by the hierarchical superior of the applicant for unpaid leave. By way of exception, and if the person concerned has notified his/her hierarchical superior by telephone of the need for unpaid leave, the relevant application may be lodged with



the University's Registry Office until the start date of the unpaid leave, at the latest. The approval of the unpaid leave falls within the competence of the Executive Board. In case the application for unpaid leave is not approved, the employee will be notified on the denial of his/her request, and must come to work, otherwise marking an unauthorised absence.

(16) The University's employees have the right to benefit, upon request, from unpaid leave for professional training, all through, yet without exceeding the legal periods. By way of exception to the provisions of para.16, the application for unpaid leave aimed at professional training must be submitted to the Executive Board within a month of its conduct, will specify the start date, field and duration of the professional training stage, and will have appended to it documentary evidence from the training institution, with respect to the relevant participation in the professional training stage.

(17) The employees have the right to benefit from carer's leave, when the employee is in the situation of providing care or personal support to a relative or a person who lives in the same household as the employee and who needs care or support as a result of a serious medical problem, for a period of 5 working days in a calendar year, at the employee's written request. These days are not included in the duration of the annual leave and count as seniority in work and the relevant position. At the same time, the employees who benefit from carer's leave appear, during this period, in the social health insurance system, without contributing.

(18) The employee has the right to absent him/herself from workplace in the unforeseen situations of a family emergency caused by illness or accident, which make the employee's immediate presence indispensable, subject to prior notification to the employer and catchup for the missed working hours, until fully covering the employee's regular worktime. This absence from workplace may not exceed 10 working days in a calendar year. The hierarchical superior and the employee will mutually agree on the method of catching up for the period of absence, within the aforementioned maximum number of days.

## **Chapter VI Employee's obligations**

**Art. 19** (1) The employees shall abide by the work schedule, the rules and standards of occupational safety and hygiene, fulfill their duties according to the job description, as well as comply with the rules and standards of work discipline.

(2) The employees shall abide by the provisions of the University Charter, Rules of Procedure, collective labour contract and individual labour contract, as well as, if applicable, by the provisions of the regulations or instructions specific to their professional activity.

(3) The employees shall observe professional secrecy and the rules of loyalty towards the employer, according to the statutory legislation and the mentions in the job description.

(4) The undocumented removal, theft, destruction, damage or loss of materials, documents, means of transport or other assets/valuables of the University incur the liability of the guilty party, according to the statutory legislation.

(5) The employees and persons on the University's premises are prohibited from making audio/video recordings without notifying the participants on the conduct and purpose thereof. In case there are solid grounds for making a recording, after notifying the stakeholders, it is necessary to obtain the express consent of the persons appearing in that recording or of the structure within which the recording is made; otherwise, the employee who makes such recordings will be liable to disciplinary action, and the outside party will be civilly or criminally liable, as the case may be, and forced to leave the University's premises.

(6) In case of temporary work incapacity, the employee shall notify the hierarchical superior within 24 hours of occurrence of the incapacity (the notification may also be made by a caregiver, in the event of the employee's inability) and submit documentary evidence (medical leave certificate) to the Human Resources Office, by the 5<sup>th</sup> of the month following the one for which the legal monetary rights are granted, or by the first working day, if the 5<sup>th</sup> of the month is a non-working day. Failure to comply with the previously stipulated obligation makes it impossible to grant the monetary rights to the person concerned in due time, and in more



serious cases even to close the monthly financial statement and report on the state budget funds, which may incur penalties for the person who caused this result.

## **Chapter VII Occupational protection, hygiene and safety. Fire prevention and firefighting**

**Art. 20 (1)** With a view to monitoring the employees' health in relation to the workplace demands, and especially to harmful occupational factors, they shall undergo the medical examination upon employment, the periodic medical check-up and the medical check-up upon resumption of activity, in compliance with the relevant statutory legislation and collective labour contract. In exceptional cases, under the law, the Executive Board may require certain further medical assessment for the exercise of the teaching or auxiliary-teaching activities.

(2) The employee's unjustified refusal to undergo medical check-ups comes under disciplinary offense.

(3) The occupational medicine personnel perform their duties in accordance with the provisions of the contract for medical benefits in occupational health and with the rules and regulations of the relevant Ministry.

(4) The occupational physician is an ex officio member of the Occupational Safety and Health Committee.

(5) The occupational safety and health-related activities are coordinated within the University, at a central level, by the Occupational Safety and Health Committee (CSSM), which has the following duties:

- a) to approve the annual activity programme in the field of labour protection;
- b) to monitor how the statutory provisions on labour protection are applied;
- c) to analyse the risk factors for occupational accidents and illnesses occurring at workplaces;
- d) to promote initiatives of their own or of other employees, which aim at preventing work accidents and occupational diseases, as well as at improving the working conditions;
- e) to conduct their own investigations in the event of work accidents or occupational diseases;
- f) to make their own inspections at workplaces in order to prevent work accidents and occupational diseases;
- g) to notify the territorial state inspectorates for labour protection, within the scope of which they conduct their activity, when ascertaining the transgression on the legal rules and standards of labour protection, or in the event of divergences between the Top-level Management of UNITBV and the other committee members on the way of ensuring the employees' safety and health;
- h) to create the framework for the employees' participation in the decision-making that targets changes in the process of production (organizational, technological, regarding the raw materials used, etc.), with implications in the field of labour protection.

(6) As regards CSSM, its structure, number of representatives and appointment of members are established by Rector's decision. Within the University's structures, the duties under lett. b-f will be fulfilled by a person designated by Rector's decision (labour protection officer), a lawful member of CSSM.

(7) CSSM convenes at the request of its chairperson (Rector) at least once a quarter or whenever necessary. At each meeting, minutes are made and signed by the participants.

(8) The meeting of CSSM is convened at least 5 days in advance, when the established agenda is also sent.

(9) CSSM is legally convened if at least half plus one of its members are present. Decisions are made by simple majority of votes out of the members attending the meeting.

(10) The labour protection officer is subordinated to the General Administrative Directorate, and has the following duties:

- a) to deliver the general labour-protection training to each person who is newly employed or who has interrupted his/her activity for more than 6 months. This training will be marked down in the individual labour-protection record;
- b) to identify, evaluate and establish the measures and rules for labour protection, work hygiene or fire prevention and firefighting (PSI) in collaboration with the university's directors of department, coordinators of offices/compartments, as well as with both the chiefs and the users of operating units (laboratories, workrooms, rooms for practical works, didactic and research facilities, but also other places where the



University's employees conduct their activity);

c) periodic control, at least once a year, as regards the compliance with the statutory provisions in labour protection, work hygiene and PSI;

d) to report the malfunctions and withal transmit the proposals for their elimination, as well as, where applicable, the proposals for sanctioning the culprits;

e) to verify how the new or repaired installations and technical equipment, but also the technological processes were put into operation or returned to service, partially or totally, so that they should comply in terms of labour protection and PSI;

f) to perform the periodic checks and tests required to obtain the operating licences issued by the competent authorities (State Inspectorate for the Control of Boilers, Pressure Vessels and Lifting Installations - ISCIR, Braşov Public Health Directorate, Laboratory for the periodic check of grounding sockets and lightning rod equipment - PRAM, and more) for safe use purposes.

(11) The periodic training at work and upon change of the working conditions will be delivered by the hierarchical superiors, appointed by Rector's order, for every workplace.

(12) The hierarchical superiors shall draw up, for each workplace, its own labour protection guidelines, if the departmental labour-protection rules and standards need to be supplemented with specific provisions.

(13) The labour protection guidelines will be endorsed by the hierarchical superior of the labour protection officer.

(14) The periodic labour protection training, as well as the training upon the change of the working conditions will be delivered by the hierarchical superiors at the relevant workplaces, and marked down, for each employee, in the individual labour protection record.

(15) Upon appointment, as well as annually, the hierarchical superiors will be trained by the labour protection officer.

(16) The employees who are pregnant, who have recently given birth, or who are breastfeeding shall go to the general practitioner in order for the latter to issue a medical document attesting to their condition, and shall inform the employer in writing. Otherwise, they may not claim individual maternity-protection measures, except for the employer's legal obligations, as provided for in art. 3 para. 2 of the Government Emergency Ordinance (GEO) no. 96/2003.

(17) As regards the employees who are pregnant or who have recently given birth, the employer shall ensure, at their workplace, working conditions as per the occupational physician's recommendations; and where this is not technically/objectively possible, measures will be taken to change that employee's workplace.

(18) The employees who are pregnant, who have recently given birth, or who are breastfeeding may not be compelled to work in night shifts, under unhealthy or unbearable conditions. At the employee's written request, accompanied by documentary evidence, the employer must ensure her transfer to another workplace, while maintaining the basic monthly gross salary; and if the transfer is not possible, for objective reasons, the employee will benefit from maternity leave and maternal risk allowance, under the law.

(19) The termination of labour/professional position relations at the employer's initiative is prohibited in the following cases:

a) employee who is pregnant, who has recently given birth, who is breastfeeding, for reasons directly related to her condition;

b) employee who is on maternal risk leave;

c) employee who is on maternity leave;

d) employee who is on leave to raise a child up to 2 years old or, as regards a disabled child, up to 3 years old;

e) employee who is on leave to care for a sick child up to 7 years old or, as regards a disabled child, up to 18 years old.

(20) a) It is forbidden to modify and/or terminate the trade union members' individual labour contracts or work relations, just as is to exclude them from the process of employment, to transfer, demote or deprive them of



training opportunities, as well as any other actions or inactions that harm the trade union members for reasons related to the union membership or related activity.

b) The persons elected to the trade union leadership benefit from protection, according to the provisions of art. 20 para. (a), during their term of office.

**Art. 21** (1) The statutory provisions on smoking or its prohibition within Transilvania University of Braşov apply to both its employees and the persons occasionally present on its territory and premises.

(2) The premises where smoking is/is not allowed will be marked with visibly displayed "Smoking Area" or "No Smoking" signs.

(3) Smoking is prohibited and the access with cigarettes, matches or lighters is not allowed in the fire-hazardous places.

(4) The designated smoking areas will be properly ventilated and equipped with ashtrays, water or sand vessels.

(5) The random throwing of cigarette butts or lit cigarettes is prohibited. The act thus identified will incur the liability of the employee/person concerned, according to the statutory legislation.

(6) The introduction or consumption of alcoholic beverages, except during the events approved by the University's Management, and/or of hallucinogenic substances on the University's territory and premises, is prohibited.

(7) The persons who come to work under the influence of alcoholic beverages and/or hallucinogenic substances will be denied access into the institution, the act will entail a disciplinary investigation, with the application of the appropriate sanctions, which might be the disciplinary termination of the labour contract, in compliance with the statutory rules and regulations.

(8) In case a person is found under the influence during the working hours, the management of the institution will be notified, this act entails disciplinary investigation, and the sanction might be even the termination of the labour contract.

(9) As for the University's employees, the failure to comply with all of the above provisions comes under misconduct, and will be sanctioned accordingly.

(10) In the event of a fire, the access of the persons who conduct operational interventions must be permanently left open.

(11) It is forbidden to block the routes of access, evacuation and intervention in the buildings where the University's activity takes place.

(12) In all the University's structures, "PSI organization" and the personal emergency evacuation plan will be visibly displayed.

(13) According to the internal rules and regulations, the University's appointed officers, together with the representatives of the student organizations will make inspections in the student dormitories, in order to find improvised heating devices. If the University's Management is not informed thereof, despite their having been found, in the event of an incident, apart from the guilty person, the inspection team members will also be held liable, under relevant law.

## **Chapter VIII Professional performance appraisal**

**Art. 22** (1) Distinct performance objectives are periodically established depending on the specificity of the activity, in accordance with the University's strategic and operational plan.

(2) The purpose of the evaluation is to raise the quality of the University's activities, by motivating the employees, as well as by remunerating and rewarding performance.

(3) Following the evaluation, information is obtained on each employee's level of performance, the evolution of employee performance over time, the employees' hierarchization, the identification of opportunities for promotion, the establishment of the need for professional training, the main obstacles encountered by employees in the conduct of their activity and in their career aspirations.



**Art. 23** The UNITBV employees' professional performance is evaluated according to the statutory legislation and the University's own procedures.

**Art. 24 (1)** The evaluation of individual professional performance relies on systematically and objectively assessing each employee's quality of work, behaviour, initiative, efficiency and creativity.

(2) Every year in the first two months, the programme for the evaluation of the staff's individual professional performance is conducted for the year preceding the one in which the evaluation takes place. As regards the academic teaching personnel, their professional performance is evaluated according to the specific procedures and time limits provided for in the national legislation and in the internal rules and regulations.

(3) By way of exception, the individual professional performance is also evaluated during the period under assessment, in the following cases: a) where, during the period under assessment, the evaluated contractual staff's labour relations cease, are suspended for at least three months, or change, under the law; in this case, the contractual staff will be evaluated for the period up to the termination, suspension or modification of the labour relations; b) where, during the period under assessment, the evaluator's labour relations cease, are suspended for at least three months, or change, under the law; in this case, the evaluator must complete the evaluation of the subordinated staff's professional performance within 15 calendar days; c) where, during the period under assessment, the evaluatee acquires a higher-education degree and will therefore be lawfully promoted to a position corresponding to his/her studies; d) where, during the period under assessment, the evaluatee is promoted to a higher professional position/rank.

(4) The rating granted following the evaluation in the cases referred to in para. (3) will be taken into account for the annual evaluation of professional performance.

**Art. 25 (1)** The evaluation of individual professional performance as a process resorts to the following criteria: a) knowledge and expertise; b) complexity, creativity and diversity of activities; c) contacts and communication; d) working conditions; e) incompatibilities and special regimes.

(2) The additional criteria for the management positions are as follows: a) judgment and impact of decisions; b) influence, coordination and supervision.

(3) Depending on the specificity of the work and on the characteristic duties and features of some activities, the University's Executive Board may establish periods, procedures and more evaluation criteria.

**Art. 26 (1)** The final rating of the evaluation is established on the basis of the final grade, as follows: a) very good; b) good; c) satisfactory; d) unsatisfactory.

(2) If an employee receives the "unsatisfactory" rating, s/he is considered not to meet the job requirements, and action will be taken in accordance with the provisions of the applicable labour legislation.

**Art. 27** The start, centralization of results and preparation of the evaluation report on the academic teaching personnel's professional performance are incumbent on the Vice-Rectorate for Internationalization and Quality Evaluation; and as regards the teaching, auxiliary teaching and administrative staff - with the Human Resources Office, according to the specific procedures for each professional category.

## **Chapter IX Disciplinary offences and sanctions**

**Art. 28 (1)** An employee's disciplinary offence refers to a job-related act which consists of a transgression on the rules and standards for the fulfilment of the job duties, the discipline in work and at the workplace, as well as to any acts of direct or indirect gender discrimination, including the harassment or sexual harassment of either another employee or a member of the academic community, as provided for in the applicable rules and regulations, job description, collective labour contract and individual labour contract, but also to the failure to comply with the hierarchical superior's lawful orders and directives.



(2) Disciplinary offences include, without being limited to, the following facts, unless they are considered transgressions or crimes under the relevant legislation:

- unjustified cessation of work;
- unauthorised absence;
- unjustified departure from the workplace for personal interest;
- falsification of various record-related documents;
- undocumented removal of material assets;
- execution of works unrelated to the interests of the institution during the working hours;
- transmission to natural or legal persons of data which are not of public interest and are unrelated to the latter, or transmission of the other employees' data without their consent;
- conduct of activities as employees, administrators or service providers for other natural or legal persons, during the work schedule;
- receiving, from various persons, of money or other benefits for activities performed during the work schedule;
- intervention for the settlement of applications that do not fall within their competence.

(3) The failure to comply with the prohibitions referred to in para. 2 comes under disciplinary offence. The seriousness of the offence is assessed according to the circumstances in which the fact was perpetrated and to its effects on the University.

(4) In the event of illness, force majeure or upon expiry of the suspension of the labour relations, the employee shall notify, within 48 hours, in writing or verbally, the University's Management or the hierarchical superior, that s/he cannot come to work; otherwise, s/he will pass as absent without leave.

(5) The unauthorised absence for 3 consecutive days or for 5 cumulative days during a month entails dismissal for imputable reasons.

(6) The disciplinary sanctions that may be applied to the academic teaching and research personnel, to the auxiliary teaching and research personnel, as well as to the management personnel in higher education are the ones provided for in the relevant legislation.

(7) The disciplinary sanctions that may be applied to the administrative staff are the ones provided for in the relevant legislation.

(8) If, though professional statutes approved by special laws, another sanctioning regime is established, it is the latter that will be applied.

(9) The proposal for disciplinary sanction will rely on the disciplinary investigation committee's findings, taking into account the proposal of the director of department or unit of research, design, micro-production, the Dean's or the Rector's, or of at least 2/3 out of the total number of members in the department, faculty council or University Senate, as the case may be. They take action upon a filed notification or upon self-referral in the event of a directly ascertained offence.

(10) The sanction is established according to the seriousness of the fact perpetrated the employee, also taking into account:

1. the circumstances in which the fact was perpetrated;
2. the employee's degree of guilt;
3. the consequences of the disciplinary offence;
4. the employee's general behaviour at work;
5. the previously applied disciplinary sanctions.

(11) The disciplinary investigation procedure and the application of disciplinary sanctions are the ones provided for in the relevant legislation, including the Regulations on the organization and operation of committees for the analysis of disciplinary offences within UNITBV.

(12) The disciplinary sanctions referred to in art. 27 para. (6) lett. a) are established by the faculty councils, the disciplinary sanctions referred to in art. 27 para. (6) lett. b) and c) are established by the Executive Board, the



disciplinary sanctions referred to in art. 27, para. (6), lett. d) - e) are established by the University Senate. The disciplinary sanctions referred to in art. 27 para. (7) are established by the University's Executive Board.

(13) The disciplinary sanctions are applied by Rector's decision, and communicated in writing to the personnel concerned by the Human Resources Office of the institution.

(14) The investigation of the offence, the sanctioning proposals and the communication of the decision are made by the person entitled to apply the disciplinary sanction within 30 days of finding the offence, but no later than 6 months from the date of its perpetration. The Dean or the Rector, as appropriate, enforces the disciplinary sanctions.

(15) Regardless of the investigation result, the final decision is communicated in writing to the subject of the disciplinary research within 5 calendar days of its issuance. The sanctions are communicated in writing to the academic teaching and research personnel, as well as to the subordinate auxiliary teaching and research personnel by the Human Resources Office of the institution.

(16) The sanctioned person's right to appeal to court is guaranteed, and the sanctioning decision may be challenged by the employee at the competent courts within 30 calendar days of its communication.

## **Chapter X Procedure for the settlement of the employees' individual applications or complaints**

**Art. 29** The employees may lodge, on their own behalf, individual requests or complaints on the transgression of their rights, with the University, as provided for in the Individual Labour Contract.

**Art. 30** For the solid and lawful settlement of the employees' individual requests or complaints, the University arranges for a committee appointed by the Executive Board to thoroughly investigate and analyse all aspects notified. The committee consists of a maximum of 5 persons: one representative of the trade union, the Vice-Rector for Public Relations or the Vice-Rector for Internationalization and Quality Evaluation, the head of the structure which the employee belongs to, one representative of the Human Resources Office, and one representative of the Legal and Litigation Compartment.

The Executive Board of UNITBV may also propose alternate members for each category/structure, with their appointment to be also made by the Executive Board, according to the same procedures for the appointment of the committee members.

**Art. 31** Within 30 calendar days of the employee's lodging his/her individual application or complaint with the University's Registry Office, based on the conducted investigation, the University communicates the answer to the petitioner (either through the Registry Office, or via the work/institutional email):

(1) the answer must specify the legal basis of the adopted solution.

(2) petitions which are either anonymous or don't include the employee's identification data do not count.

## **Chapter XI Final provisions**

**Art. 32** Within Transilvania University of Braşov, it is forbidden to perform activities which:

- a) transgress the academic community's general rules and standards of morality;
- b) consist of political and/or religious proselytism;
- c) might endanger the health and physical or mental integrity of the students/pupils, respectively of the academic teaching personnel, but also of the auxiliary teaching and administrative staff;
- d) consist of psychological violence - bullying.

**Art. 33** The provisions of these Rules of Procedure are complemented with the ones set out in the applicable legislation that governs the field of higher education.



**Art. 34** (1) The Human Resources Office shall disseminate these Regulations to all departments/compartments/offices within the University, with a view to making them known to all employees. They will be posted on noticeboards and on the University's website ([www.unitbv.ro](http://www.unitbv.ro)).

(2) The heads of structures shall inform their subordinates of these Regulations and ensure compliance with the provisions hereof. No new employee may start his/her activity without acknowledging the provisions of these Rules of Procedure, for which purpose his/her signing the individual employment contract confirms acknowledgement.

These Regulations were discussed and approved in the meeting of the Senate of Transilvania University of Braşov on 16.04.2025.

Prof. Eng. Mircea Horia Țierean, PhD  
President of the University Senate

