



**R O M A N I A**  
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Code of ethics AND ACADEMIC PROFESSIONAL DEONTOLOGY  
OF THE "VASILE GOLDIȘ" WESTERN UNIVERSITY OF ARAD

CHAPTER I. GENERAL PROVISIONS

Art. 1. (1) This Code represents a moral agreement between all the University community corps, respectively of the academic community – teaching and research staff, auxiliary teaching staff, students of all categories – and the administrative staff, and this community as a whole, aiming to contribute to the University members' cohesion and solidarity, to the development and strengthening of the specific institutional culture and to a proper legal and psycho-social climate, based on cooperation and competition, by right and exact rules, and in the end aiming to the increase of the University prestige and of its existential purposes.

(2) The premises for reasoning, issuing and adopting of this code are

a. the related provisions of the Act on National Education no. 1/2011 and of the Law on the good conduct in scientific research, technological development and innovation no. nr. 206/2004, with ulterior amendments;

b. the research papers and the regulations in the area, issue and made available by the National School of Political and Administrative Studies, as well as the conclusions resulting from the participation in the debate "Ethics in the Universities", organized by this prestigious institution, in partnership with the KONRAD ADENAUER Foundation, and with the Ministry of Education and Research;

c. the principles, the mechanisms and the procedures for implementing the academic ethics and professional deontology, observed from the University representatives' participation at the profile events organized by some national NGOs;

d. the good practices of the University in this field of over 5 years.

Art. 2. Basically, the major reasons of this Code are the following:

a. the imperative of organic connection between the moral and the legal standards, specific for the academic environment, achievable via a regulating framework of the ethics and professional deontology in the universities;

b. the existence of real general problems, of ethics and professional deontology in the Romanian higher education system, implicitly in the private one and in the own institutional system, requiring for proper, ethical responses;

c. the firm belief in major values, which is not an intellectual luxury, but a fundamental pre-requisite even for the mental, individual, of group and community health;

d. the existence of similar, regulating practices in states with long democratic tradition;

e. Establishing a Code of Ethical Conduct and academic professional deontology represents only one of the numerous important measures for respecting and protecting all those directly involved and/ or interested of the good endeavor of the academic life and reality, in a national, regional – European and worldwide multicultural and competition framework;

f. Any way of breaching the principles and the norms of ethics and academic professional deontology has or may have particularly serious consequences not only on the directly involved factor, but also on the institution as a whole, as well as in territorial, national and international profile which implies the existence of a legal and regulating framework proper for the prevention and control of such violations.

## CHAPTER II. THE CODE OF ETHICS AND ACADEMIC PROFESSIONAL DEONTOLOGY OF THE “VASILE GOLDIȘ” WESTERN UNIVERSITY OF ARAD

### - PRINCIPLES -

#### Art. 1 Interdiction of the incompatibilities and conflicts of interests

The members of the academic communities are forbidden any forms of incompatibility and of conflict of interests.

Art.2. The good conduct of the scientific research, technological development and innovation. Members of the academic community are to conceive and develop the activity of research-development in respect of the human being and dignity, of animals suffering which is to be prevented or reduced at minimum, as well as with the protection and restoring of the natural environment of the biological balance, ensuring their protection towards the eventual aggressions occurred by science and technology.

#### Art. 3. Assuming liability and responsibility

The members of the academic community are to fulfill always and entirely, in good faith and high professionalism, the tasks incumbent to them according to the law and to this code,

according to the degree of liability and responsibility which their competencies are requiring.

Exerting the academic autonomy is achieved only by the term of undertaking the public liability.

Art. 4. The moral integrity and the interdiction for any form of corruption and corruptibility  
The members of the academic community are to respect, in all situations, the imperatives of the moral integrity and of the interdiction of any form of corruption and corruptibility which apply to them and which are to be constantly observed.

Art.5. The academic freedom

As autonomous institution, the University which critically produces and sends culture through research and education will keep its independence to the political, economical, ideological and religious powers in order to stay open to the contemporary needs, as well as to any other external interferences, pressures and constraints, except for those of legal, scientific and ethical nature. The academic community members are warranted the academic freedom and they are protected against censorship, manipulations, persecutions and any other negative consequences under the terms of respecting the legal and moral, scientific standards and the professional responsibilities.

Art. 6. The personal autonomy Autonomia personală

The University and its academic corps promote and warranty an adequated environment, proper for exerting the personal autonomy, under the wider context of the academic freedom, priory defined.

Particularly, it ensures the exercise of the informed consent on programs, course, academic mobility, and of other study, research, teaching-learning opportunities, so that each member of the University could take and apply decisions on his/ her own academic career and exert his/ her attributions according to the law and morality widely accepted in the Romanian society.

Art.7. Impartiality, justice and fairness

The members of the academic community are to be treated and are to treat each other mutually, fairly, rightfully and honestly, values shared by the proper and fair division of the power, on eliminating any forms of discrimination or exploitation, direct or indirect, in the access to studies, employment and in educational and scientific research programsm as well as in preventing and fighting against any acts of corruption, favoritism and nepotism, of conflicts of interests.

Art. 8. The merits

The University and its academic body ensures the acknowledgement, the culture and the awarding of the personal and collective merits leading to the fulfillment of its institution meaning which is: dedication towards the profession, study and research; the fidelity

towards the institution and the members of the academic community; the creativity and talent; the performance and efficiency; promoting the public institutional and personal, truthful and positive image.

#### Art. 9 The academic professionalism

Regardless on the field of activity, the members of the academic community are to fulfill their prerogatives with high professionalism, having the corresponding training and fulfilling it plenary, in any circumstance. Particularly, the University and all its members undertake to encourage an adequate environment for research and competitiveness. In this regard, it develops academic programs at high standards, able to lead to the progress of knowledge, to training of competitive experts and to the increase of its prestige in research. It encourages and rewards the teachers', researchers', students' direction towards the scientific, pedagogic quality particularly to the excellence. It cultivates the initiative and the scientific curiosity. It encourages and rewards the efficiency, the quality and the professional excellence at managerial, teaching and administrative levels. It acts against imposture, amatorism, superficiality, disinterest and capping, the veletarism and the voluntarism.

#### Art. 10. The intellectual honesty and fairness

The University and its academic body support and promote intellectual honesty and fairness, in the sense of integrity and honesty and intellectual incorruptibility, accurate and fair observance of the university rules, of unbiased attitude and behavior.

In particular, they protect intellectual property, preserving and protecting benefits for those who are at the origin of intellectual property, arguing gratitude and recognition of the contribution of all those who have participated in different studies, research results, exposed and publicly recognized..

A contrario, they prohibit firmly any form of intellectual fraud, such as total or partial plagiarism, cheating in exams and competitions, "manufacturing" research results, exchange of works or the identity of the persons examined, taking and taking advantage of colleagues, teachers' or students', work as well as any other form of corruption or fraud or incorrect assessment of the performance of students, teachers and other categories of employees.

#### Art. 11. Transparency and Privacy

The University and its academic body observe and apply the principle of transparency of all of the information that interested members of the academic community, potential candidates, graduates, institutions collaborating and the public, ensuring consistent information, accurate and timely, in order to facilitate equal opportunities in competition and equitable access to university resources. At the same time, they ensure the confidentiality of data and information of a confidential nature and prohibit concealment, falsification or distortion of information its members and the general public are entitled to.

#### Art. 12. The respect and tolerance

The University and its body academically promote and support, fervently, the existence of an academic and residential community, characterized by a psycho-moral and legal climate, in which human dignity, respect and tolerance prevail, eliminating any form of attitudes and behaviors that could affect these values, especially discrimination, abuse of alcohol, drugs, psychoactives or the presence in the university under their influence, the harassment implicitly the sexual harassment and sexism, exploitation, humiliation, disdain, threat or intimidation, racism, xenophobia, chauvinism, misogyny, homophobia, and any other forms of intolerance towards the differences between people, between beliefs, opinions and intellectual preferences or of other nature.

#### Art. 13. Goodwill and care

The University considers as essential goodwill and care, encouraging appreciation, pride and gratitude to those deserving, empathy, compassion, support for those in need, kindness, courtesy, altruism, understanding, solidarity, solicitude, timeliness and optimism all members of its community. Also, they consider undesirable and discourage envy, cynicism, vanity, lack of courtesy, disinterest.

The University is grateful to all those who, in major crises or disasters, fires, etc. are willing to self-sacrifice.

#### Art. 14. Fair competition versus unfair competition

Accepting the challenges of the national, European and world competitive environment that can promote quality education and that do not exclude but rather cultivate cooperation links, the University and its academic community declare firmly, and will act as such against any manifestations of unfair, institutional, intra and / or intergroup and interpersonal formal and / or informal competition.

#### Art. 15. Assuming the European Higher Education Area standards, correlated to the European Research Area

The University and the members of its academic community, depending on the particularities of their prerogatives, assume their responsibilities and their liability for promoting, supporting and implementing major goals and basic principles governing the European Higher Education Area, correlated to the European Research Area, as well as for knowledge, reformulation and active involvement in solving their fundamental and relative issues related to the mutual recognition.

### CHAPTER III. EXPLANATORY MEMORANDUM ON THE CODE OF ETHICS AND ACADEMIC PROFESSIONAL DEONTOLOGY

Eplanation on the Art.1 – Interdiction of the incompatibilities and conflicts of *interests*

(1) According to this Code, the conotations given to the fundamental terms are as follows:

- a) Incompatibility – state of inadequacy between two or more jobs and functions, professions or tasks that make a person to not be able to occupy or exercise lawfully and at the same time or to occupy or exercise of some influences the exercise of others under absolutely normal legal, moral and efficiency terms.
- b) conflict of interest in the broadest sense – situation where, illegally and / or immorally, a member of the academic community or administrative staff acquires or expects to obtain / loose for himself and / or for husband / wife, relatives or related persons up to the third degree of a benefit of any kind from their own choice in exercising or in omission to exercise his/her specialty and / or functional tasks, as appropriate.
- c) conflicts of interest in scientific research, technological development and innovation - where a person has a personal interest affecting impartiality and objectivity of its work in assessing, monitoring, performing and reporting on research, technological development and innovation; personal interests include any advantage, illegitimate and / or immoral, for that person, husband / wife, relatives or in-laws up to the fourth degree, or for the institution to which it belongs, as appropriate.

(2) Mainly, the following enter under the incidence of the incompatibilities and/ or conflicts of interest, as appropriate:

- a) employment, jointly, by two or more persons who are related as spouses, in-laws or relatives up to grade III including positions such as one is to the other in a leading, control, authority or institutional assessment position at all levels of the University, as well as their appointment in evaluation committees or contest commissions, whose decisions affect spouses, in-laws or relatives up to the third degree, including.

This prohibition on employment, concurrent functions shall likewise apply for teaching positions and teaching positions in a competition organized after the entry into force of the National Education Law no.1 / 5.01.2011.

- b) holding and exercising the membership in the University Senate by persons exercising the executive management in the University;
- c) occupying, in the same time, of positions of members of the University Senate by persons who are spouses or in-laws or relatives up to the third degree, including;
- d) exercising the rector position by persons who occupy a leading position or public office or hold a management position in a political party, during the fulfillment of the mandate;

- e) holding teaching positions by persons who do not meet all the minimum conditions, related to each function, as established by the Act on national education and the University Charter;
- f) employing persons in the university, after the entry into force of the Act on National Education, indefinitely, on any teaching or research positions without public competition organized by the university, and without them having obtained a Ph.D. title, prior to the contest of reference;
- g) filling of positions and functions in the university by people who intentionally committed crimes for which they were tried and sentenced by final judgment, except those who were rehabilitated under the law;
- h) holding teaching and research positions by people on which was proven to have done serious violations of the conduct in scientific research and academic activity, as established by law;
- i) taking any management and administration functions at all levels of the university after retirement, with the exception of membership of the University Board of Directors;
- j) Continuing the work as teacher or researcher after retirement without having a decision of the University Senate, the assent of the Board of Directors and the absence of a fixed-term contract of one year or which has not been extended annually by Senate ;
- k) maintaining the tenured position by a person at two or more institutions of higher education or of research - development;
- l) delivering teaching activities by the tenured, fully paid by the hour, beyond a minimum teaching loads;
- m) conducting educational activities, beyond a single teaching bir by teachers who are elected or appointed to public institutions of the State or develop specific civil service activities in the university or in other specialized organs of the state;
- n) conduct by teachers and research after the age of 65, new Ph.D. students without co-tutoring with a teacher or researcher that does not meet the retirement age during the whole PhD;
- a) management, concurrent, for Ph.D. students, of the same teacher and researcher beyond 8 candidates, as established by law;
- p) cumulating the leading positions in the university, as defined by law, by the same person;
- q) holding by the rector, vice-rectors, deans, vice deans, administrative director, department or research, development, design, micro quality unit heads, the position of members in the Commission of academic ethics;;
- r) supporting by tenured University staff of teaching and research activities in other higher education or research institutions without the prior written agreement of the University Senate;
- s) situations where a person from university or a company in which he/ she is a shareholder or member have a personal interest, economic or otherwise contrary or unfair to the legitimate interests of the university

- t) solving, decision making and participation in decisions regarding the claims addressed to the University concerning: individuals and / or legal entities with which it has patrimonial relations; husband / wife and relatives up to the third degree;
- u) the trading of scientific papers to facilitate their counterfeiting by the buyer as property and intellectual rights of a undergraduate, graduate, and doctoral dissertation.
- v) other situation of incompatibility or conflict of interest, as stated in this Explanatory Memorandum.

(3) Desirable aspects:

- firm and timely avoidance or rejection, as appropriate, by each member of the university to enter into any form of incompatibility or conflict of interest;
- Immediate announcement in an early stage of any inconsistencies or conflicts of interest that members of the university have entered into, with or without their will, accompanied by personal measures either to quit such situations or of voluntary waiver of their membership , claimed above;
- To accede to the university, on posts and positions, the applicants shall make a declaration on oath, that there is no incompatibility or conflict of interest.

(4) The violation of the provisions of this Article, in particular the listed prohibitions is sanctioned gradually with sanctions decided by the Commission of Ethics and academic professional deontology, depending on the given, facts the degree of culpability of those who are in incompatibility and / or conflict of interest situations, with the exception of this kind or related facts that could fall under criminal law. In the latter case, the senior staff of the university must notify immediately the empowered prosecutorial bodies.

Explanations on Art.2. Good conduct in scientific research, technological development and innovation

(1) Good Conduct in research - development of the university is one of the essential conditions for the exercise of the mission's own commitments and institutional classification or hierarchy curricula expectations, which the entire staff of the university directly involved, as well as students, and postgraduate conducting such activities should comply to.

(2) Good conduct is incompatible with attitudes and behaviors that fall under the following terms, as defined by Law no. 206/2004:

- ▲ fraud in science - the deliberate action of manufacturing, falsification, plagiarism or illicit alienation of scientific research results;
- ▲ manufacturing data - registration and submission of data from imagination, not from the methods used in research work;
- ▲ forgery - skewing research materials, equipment, of the products or results; omitting data or results such as to distort the results of research;



▲ plagiarism - assimilation of ideas, methods, procedures, technologies, results or texts of a person, irrespective of the route by which they were obtained, presenting them as personal creation.

▲ conflict of interest - in the sense stipulated in Article 1 (1), lit. c) of this Memorandum.

- Consequently, the conduct in research and development involves the following:

Prohibitions:

- a. the concealment or removal of unwanted results;
- b. manufacturing of results;
- c. substitution with fictitious data results;
- d. deliberately distorted interpretation of the results and conclusions deformation;
- e. plagiarizing other authors' results or publications;
- f. deliberately distorted presentation of the results of other researchers;
- g. not awarded proper authorship of a work;
- h. the introduction of false information in applications for grants or financing;
- i. non-disclosure of conflicts of interest;
- j. misappropriation of research funds;
- k. failure to register and / or failure to store results, and recording and / or erroneous of the storage results;
- l. lack of information of the research team, before starting the project about: salary rights, responsibilities, co-authorship, rights on research results, financing sources and associations;
- m. the lack of objectivity in assessment and breach of conditions of confidentiality;
- n. repeated publishing or financing for the same results as scientific novelty items.

(3) There is no misconduct to the good conduct of the specific factors for research and development, being tolerated and even encouraged, where appropriate:

→ the contradictory data; → the differences of experimental or practical conception; → the differences in data interpretation; → the differences of opinion.

(4) Desirable and/ or mandatory aspects, depending on the case:

4.1. Ethical evaluation of the research, development and innovation projects by their assessment commissions which will include mandatory compliance check with the respective projects:

a) Ethics rules generally applicable, on:

1. Human being's protection:

- Use of human embryos as well as other human biological samples;
- Use of personal data for biological banks, gene banks included;

- Use of persons for clinical tests (individuals or population) from the following categories: persons who cannot give their consent, especially, children, pregnant women, healthy volunteers;
- Personal data protection.

2. Animals protection, transgenic animals and non-human primates, including

3. Environmental protection;

b) specific internal and international rules of ethics for the respective research which have to be specifically explained in the project. In the context, there are to be observed and rigorously applied the ethical codes on fields of research, approved by the Ministry of Education, Research, Youth and Sports.

4.2. The University is responsible for respecting the norms and the ethical values in the institutional research-development.

4.3. Considering the provisions of art. 306 (13), lit. d) of the Act on National Education according to which academic ethics committee also fulfills the "powers established by Law no. 206/2004, with subsequent amendments "to their good coverage, within the university, the Ethics Commission in research - development / or subcommittees with permanent or temporary status, as appropriate, is established and they are similar to those of the National Council Ethics of Scientific Research, Technological Development and Innovation, which is referred to by the art. 218 (3) of the Act on National Education. Among the permanent subcommittees of this kind may be those for: social-human sciences, sciences related to the world of the living and exact and technical sciences.

4.4. The modalities for the establishment, structure, composition and powers of this (these) committee (subcommittees), as applicable, will be determined by own rules (regulations) for organization and functioning, and in strict compliance with the provisions of the Law 206/2004 and of the Code of Ethics on the areas of research, developed by the National Council of Ethics for Scientific Research, Technological Development and Innovation and approved by the Minister of Education, Research, Youth and Sports.

This (these) Rules (regulations) is (are) part of the Code of ethics and academic professional deontology.

4.5. For the established and proven violations of the conduct in research and development, the following sanctions may be proposed:

1. penalties proposed by the National Council of Ethics of Scientific Research, Technological Development and Innovation, or the profile commission (subcommittees) of the university, respectively:

- a) removing the person / persons from the project team;
- b) changing the project manager;
- c) withdrawal and/ or correcting any published work by violating the rules of good conduct;

- d) written admonition;
- e) demotion;
- f) suspension from office;
- g) dismissal.

2. Also, for deviations from good practice in research and development disciplinary sanctions apply as provided in the Code of Ethics and professional deontology of the research - development staff and penalties, as appropriate, as stipulated by the Law no. 64/1991 on patents, republished, as amended, Law no.129 / 1992 on industrial designs, republished, and Law no. 8/ 1996 on copyright and related rights, as amended.

4.6. The Ethics Commission of research - development shall prepare and annually produce a report on the state of compliance with the ethics of research and development activities, the Commission of academic ethics so that the latter may put it into value in achieving its own annual report according to art. 306 (3) letter b) which is then submitted to the rector of the university senate and is a public document.

#### Explanations on Art. 3. Assuming responsibility and liability

- 1) The responsibility implies conscious and deliberate undertaking in relation to their own conscience and to the community, fulfilling rigorously and consistently the duties of any nature, concerning for the good institutional development, while liability assumes answering in front of the competent authority for carrying out or failing these imperatives and their concrete way of achievement.
- 2) Personal public liability of the academic community members assumes its organic connection to the university's obligations resulting from its public accountability in relation to the specific tasks for each member, who has to:
  - a) comply with the applicable law, the University Charter and the national and European policies in the field of higher education;
  - b) apply and obey applicable regulations on quality assurance and assessment in higher education;
  - c) to observe policies of fairness and academic ethics covered by the Code of Ethics and professional deontology approved by the university senate;
  - d) ensure managerial efficiency, resource use and spending of funds allocated by the founder and / or the University Board of Directors;
  - e) ensure transparency of all decisions and activities, according to the applicable law;
  - f) respect the academic freedom of the teaching staff, the teaching and research auxiliary staff and the students' rights and freedoms.
- 3) In particular, responsibility and liability are directly linked with the stipulations of the law relative to the organization and functioning of the Romanian higher education, including the private one, the RAQAHE standards, its specialized committees, the University Charter, the organizational chart, the curricula and academic records, the job descriptions.

- 4) In the context of the above commentary, there are prohibited:
- a) any deviation from the provisions stipulated in points a - f, referred to in paragraph.2;
  - b) the practices for delegation of the achievement, the effective personal activities, from teachers, lecturers and university lecturers, as a rule, to the assistants, which affect majorly the contents of the educational and training process, its way of development and its purposes, including the level of the public, institutional image. The exception to this rule is allowed only to the extent and under the terms where the teaching activities of reference are made by assistants, in strictly legal conditions, under direct supervision of the subject tenured teacher and in the interest of training and development of the staff's teaching and psycho-pedagogical skills of the first, as a prerequisite for their development in teaching and scientific career;
  - c) reducing the hours of teaching and learning with the students compared to the minimum allowed by curricula of considered students' series, as well as to the subject descriptions;
  - d) undertaking a large number of teaching responsibilities by the same persons, for specializations fields and subjects of which they have no legal and moral scientific covering and professional conduct, on the grounds of strict velearism and excessive financial interests;
  - e) inadequacy voluntarism and unfairness in the construction of the academic curricula and job descriptions, as well as in granting credits on subjects.
- (5) There are tolerated:
- delegations supporting educational personal activities, based on strictly objective reasond and if these activities can not be replanned, but only subject to the involvement of a teacher of the same level, or of teaching and/ or scientific levels higher than the tenured teacher and under the terms of obtaining prior approval by the empowered decisional bodies. The delegations of such activities to the assistants shall be made only exceptionally.
- (6) There are desirable:
- a) The members of the academic community will avoid causing harm to each other and will express a respectful behavior;
  - b) Respecting the cultural and experience diversity;
  - c) Supporting systematically and rigorously by the persons with managerial power and authority, as well as with other elevated status-roles, of the exert of the rights for the persons whose professional development relies on them.

Explanation at Art. 4. Moral integrity and prohibition of any forms of corruption and *corruptibility*

- 1) The moral integrity involves the adoption and manifestation of attitudes and behavior in accordance with the ethical and professional conduct generally accepted and practiced in the society, particularly in the academic environment.
  - 2) The prohibition of all forms of corruption and corruptibility implies that no member of the academic community will not commit any act of corruption but rather will oppose strongly and combat such acts and any other acts and deeds related to the corruption.
  - 3) Any act of corruption, in the same way as any other act of abuse of authority, is incompatible with the profession of academic member and the student status-roles, including the attempt of corruption and corruptibility.
  - 4) Under this regulation, the phrase "prohibition of corruption" involves the ability and strength to resist and oppose firmly to any pressures of corruption, regardless of who carries them out.
  - 5) For the purposes of the above, the following prohibitions represent component parts and specific standards:
    - Clientelistic distribution of the resources: facilities, salaries, bonuses, scholarships, educational resources and research;
    - Clientelistic trafficking, ie buying and/ or selling or obtaining additional services in order to pass exams, competitions, increase the marks, including the practice of hierarchical or collegial "acquaintances" etc.; substitution of papers and conditioning the exam marks by the mandatory purchase or purchase mediation mandatory of the own teaching staff's courses;
    - Request by university staff for gifts or money, as well as bribery attempts or bribing them, even as incentives, illegal and / or immoral in any other form;
    - favoritism in the evaluation, employment or promotion process, or sharing teaching or administrative tasks, such as creating jobs and teaching positions for preferred people on ethically and legally unjustified criteria; fragmentation of courses for introducing additional others without any rational logic, but only for reasons of patronage and favoritism; proposal on the contest for some positions and functions on unethical and / or illegal grounds; approval of contest removal under unethical or illegal pressure; election of members of the examination committees based on their knowledge of the options for one candidate or another, or having the real possibility of manipulating them; blocking removal of vacant posts in the competition, considerations relating to future opportunities for certain specific individuals who, for the moment, do not meet the access criteria; providing very high marks in exams without coverage in reality, by some teachers of elective and / or voluntary subjects, in order to attract students from the following series, at the expense of more important subjects and demanding, but fair teachers;
- (6) Desirable aspects:
- a) Correct and on time information of all the interested ones on the admission criteria and contests of any kind;

- b) Private teachers, relatives, friends, persons with whom the competition participants have business relations are not to be members of the competition commissions;
- c) The transparency of the evaluation system at the exams, dissertations and contests, publishing of the correction grids, and, if possible, capacitating some students' representatives to assist in the evaluation of the tests at the exams etc.;
- d) Respect of all deadlines and exams dates, regardless on the students' particular circumstances, except for those providing in writing justifications kept at the scholar register (medical certificates, serious personal situations etc.);
- e) Introducing technical monitoring tools in each area where the exams practically are carried on;
- f) Storing the exam, laboratory paper for a longer period of time, but no less than a month since their delivery.

#### Explanation to Art. 5. The academic freedom

- (1) Basically, the referential principle is to be understood in the sense that:
  - a) The university in its field of competence and the members of its community will guarantee and promote the fundamental principle of academic life, which the freedom of research, education and training;
  - b) The university and its community members will ignore any geographical or political border and state the need for universal knowledge and culture interaction from the perspective of the European humanism tradition, which it deposits, and of the advances in the universal science.
- (2) The academic environment, understanding and that of private law possible, even under the rule of law and democracy, should be subjected to interference and pressure from some political, economic, religious or any other private interest groups, which consider the teaching process, the research results and the academic publications liable to undermining their ideologies, beliefs and approaches of their own interests associated with them. The answers to them will be as firm rejection.
- (3) The academic freedom is ensured primarily through the following:
  - a) free expression of academic, scientific and artistic opinions in the academic environment;
  - b) freedom of teaching, research and creation, according to the criteria of academic quality;
  - c) the freedom of research aims with prevalence setting themes, choice of methods, procedures and exploitation of results, according to the law;

- d) the right of the teaching and research staff to publish studies, papers, books, to obtain national and international grants, without restrictions to the academic freedom;
  - e) the students' right to free choice of courses, specializations, graduation theses etc. in accordance with the applicable legal norms and the curricula;
  - f) the right to join professional, cultural associations and organizations, trade unions and national and international NGOs, as well as political organizations legally constituted in accordance with law, the University Charter and this Code;
  - g) freedom of teaching and research staff, as appropriate, to exercise their rights on reserving positions that they hold, namely the right to leave according to the law and the University Charter,
  - h) the freedom to exercise, according to the law, the right to apply to the courts is guaranteed.
- (4) The criticism expressed publicly in the context of the internal organizational – Senate, council meetings, student organizations and meetings etc., if there are sound arguments and evidence that scientific, educational, legal or ethical are violated standards is permitted. To the extent that, in such an internal framework, there was no response or an appropriate solution, those concerned can externalize criticism, without facing any retaliation and persecution.
- (5) An exception to the above phasing represent the communications, conferences, research aimed to investigate the functioning of the University and of the study programs which, by their nature, are public.
- (6) The academic freedom should be achieved by considering the following essential aspects, partially prohibitions:
- a) University and its academic community will not accept but rather will strongly opposes illegal and / or immoral pressures, of concealment and obedience that they may be subjected to, especially by political power, respecting fully the principles of depoliticization of the higher education;
  - b) in any way they will not accept the impairment of the scientific objectivity for reasons strictly connected to personal and group interests of the institutions trying illegitimately to consecrate their ideologically charged status quo, including the ruling cabinets realizing, in the latter case, that budget come from taxpayers' money, and not from the representatives who are ephemeral in the government;
  - c) it is completely prohibited the abuse of power and authority to imposing others in the academic environment their religious or other beliefs, or political attachments;
  - d) there are not permitted the manipulation, indoctrination and dogmatic education, regardless of its nature, that affects the right of students, teachers and

researchers in the knowledge and training, truly scientific, proper to the fields of study and / or research;

- e) distortion of the scientific content of courses, studies and scientific research in the interests of obedience, regardless of its nature;
- f) misinformation, slander, public denigration of programs and people from their own institution and other academic institutions or social organizations, the academic community;
- g) exercising the right to public information and transparency can not be achieved without respect and implementation of the principle of confidentiality of data and information of this nature and of personal character irrespective of the manner and the way to obtain them, as well as the right to privacy and private life;
- h) copy of courses, course notes and other teaching materials, and registration activities by students of the teachers are prohibited unless prior approval from the involved teaching staff.

(7) Acceptable and/ or tolerable aspects:

- a) The academic freedom does not manifest itself in an ideal context, but may be constrained by the existence of cultural values, shared and for which general approach is conducted in full rational and democratic deliberation;
- b) The academic freedom can not serve as a shield against scientific and ethical criticism under the reserve that relevant issues for the evolutionary knowledge that is relative are to be respected, meaning the latest data and scientific information;
- c) The religious beliefs, political attachments, and any other categories of beliefs desirable in the given culture are the laic and apolitical academic environment a private problem of the academic community members, subject to not be imposed on others, by abuse of power and authority or by deliberate manipulation;
- d) freedom in selecting and discussing relevant issues in a critical examination of values, norms, institutions, social practices, conducted in a spirit of intellectual honesty and responsibility and accountability for producing and disseminating really scientific knowledge.

(8) Desirable aspects:

- a) academic freedom to manifest itself systematically and continuously, through attitudes and prosocial behavior, allowing simultaneously both the capitalization of ideals and authors' social and personal interests, in complete legality and morality, and the rights and freedoms of others, protecting and stating the COMMON WEALTH, in particular by contributing to the good functioning of the university and social and democratic state institutions;
- b) the critical remarks on any elements of shortcomings and failures in its own system, the revealing of which allows for its optimizations.



## Explanation with regard to Art. 6. Personal autonomy

- (1) The personal autonomy means the possibility for the person's choice, individually and knowingly, of study research and academic mobility programs, the track of the academic career, the opportunities and the way of excellence to which desires to accede, with respect to the rule of law and morality.
- (2) Exercising the reference right implies the University and its directly responsible staff obligation to provide the members of the academic community and the general public with relevant information on:
  - Academic standards;
  - Study and research programs;
  - Specific conditions for assessment, access and promotion;
  - The University structure;
  - The members of the teaching staff and of the University management, and specific items in their professional CVs, etc., including their own web pages.
- (3) It is prohibited to exercise personal autonomy in the terms of violation of rights and freedoms of others, of the right to public, truthful image of the represented institution and the Common good, in general.
- (4) Accepted and tolerated aspects:
  - a) legitimate, legal and moral approaches to recognize their own values and academic interests and scientific research, including the rights of intellectual copyright in academic context - subject to their promotion initially in the belonging institutional system and possibly only under the conditions of exhaustion of internal remedies, there are permitted external remedies developed through the own system;
  - b) there are and will remain acceptable the desirable invocations of the theoretical scientific and pragmatic aspects, raised in the literature, subject to quoting of the real authors, whether they were or are not still recognized officially by domestic or international speciality publications;
  - c) capitalization of the collective works is permitted, subject to proper punctualisation on the effective contribution of each coauthor separately.
- (5) Desirable aspects:
  - a) it is expected that all members of the academic community are involved in the critical examination and express in the given institutional framework any remarks of critical nature, grounded and reasoned scientifically and professionally, of any shortcomings and dysfunctions that could affect the academic freedom and personal autonomy, regardless of the form of expression;
  - b) it is preferable that inter and multidisciplinary interventions regain their rightful place in the development, documentation and drafting papers and publications of this academic nature;

- c) profile coordinators to retain and nominate specific contribution of each participant to substantiation, drafting and publication of relevant works for the academic, teaching and scientific environment, any inaccuracies could be attacked by virtue of the exercise of copyright.

Explanations to Art. 7. Impartiality, justice and equity.

(1) The justice and equity suppose:

- attitudes and behaviors based on the respect of mutual rights and obligations;
- satisfying personal interests, corresponding to the actual contribution to the institutional development and specific academic organizational culture.

(2) The discrimination in the academic environment is the unequal treatment of persons seeking and leading to a breach or limiting their rights on grounds such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the belonging to national minority, property, birth, disability, age or sexual orientation. Also in the scope of international and European treaties and without prejudice to particular provisions thereof, any discrimination on grounds of nationality is prohibited.

(3) Prohibitions:

- a) are included, completely, any form of direct or indirect, negative discrimination on the above criteria;
- b) cases where in the review commissions (admission, license, dissertation, doctorate), as well as in those awarding grants, employment or promotion, performance academic and managerial evaluation, auditing, etc. are members the persons in a relationship of husband / wife, in-laws and relatives up to the third degree, including, with the candidates or the persons to be evaluated;
- c) conflicts of interest and incompatibilities defined in Art. 1 of this Explanatory Memorandum;
- d) conflicts arising from external collaborations or other commitments of this kind of University staff of nature to affect their complete fulfillment of professional duties.

(4) Acceptable and tolerable issues:

There are acceptable, tolerable and even desirable the forms of positive, indirect discrimination, through neutral rules and practices in relation to the criteria mentioned in this article allowing the de facto elimination of the disfavors by one or other of these criteria, such as:

- a) derogation from the rules of the exams, from persons with disabilities or other specific situations (pregnancy etc.) who can not get or can not wait several hours for these exams;
- b) designing timetables that allow religious observance and practice of certain rituals;
- c) in situations where, objectively are unavoidable conflicts arising from personal relationships in strict reference to current exams, they are tolerated, subject to the appointment of a third party to monitor or verify the exam.

(5) Desirable aspects:

- a) in the conditions of absolutely normal, increasing share of the feminine weight in the academic environment, it is desirable to fill a significant number of educational, scientific and managerial academic jobs by female persons. At the same time, women will not be discriminated against on grounds of pregnancy for the child or single parenting;
- b) in the context of multiculturalism in the region of exercising prerogatives of specialty and functional University, it is rational and necessary to empower for people with certain professional, teaching and pedagogical, scientific and managerial values, belonging to national minorities, and extending the range of the students from such backgrounds, leading to increase cohesion and national solidarity;
- c) it is supported and even encouraged, in the de facto established situations and in public transparency, the affirmative action favoring people from disadvantaged groups, irrespective of negative non-discriminatory criteria, previously being considered, and among the Romanian diaspora in order to correct injustices, increase access to education, professional competition, and to promoting institutional interests and, more generally, of Romanian interest in the European and international level as appropriate.

Explanation to Art. 8. *Merit*

- 1) The merit is the sole criterion of hierarchy, acceptable and defined in line with the evaluation sheets stated in the university.
- 2) The merit is evaluated and assigned differently by taking into account:
  - For the teaching staff:
    - The quality of courses, seminars and practical work;
    - Obtaining / and positioning in university grants;
    - Contributing to research and affirmation of national and international scientific research;
    - Correct assessment of students;
    - Contributing to the prestige and public image of the institution, specialization and personal progress;

- Addressing students' issues etc.
- For the managerial staff:
  - The effective management of human, financial and logistical resources;
  - Creating and maintaining high professional and moral standards in the university;
  - Correct assessment of students, subordinates and institutional leadership, intermediate level;
  - Attestations of institutional and hierarchical classification of the university curricula;
  - Disciplinary status and respect of professional ethics and deontology in the university and its structures.
- For the students:
  - Criteria for assessing the performance of courses, seminars, tutorials, laboratory and internships merged;
  - Performance in "Arad Academic Days", in other professional competitions;
  - Proper replies to examinations and the Bachelor, Masters or PhD works;
  - The degree of involvement in associative life, civic actions etc.

### 3) Prohibitions:

- a) use of the academic personal creations without naming the real authors, the quoted theoretical and pragmatic constructions;
- b) acceptance and capitalization in their theoretical constructions, as courses or otherwise, communications and scientific reports, productions of subordinates without reference to sources, including students;
- c) plagiarism is and will remain undesirable and despicable;
- d) assessing merit, after promises or personal relationships.

### 4) Desirable aspects:

- a) design and implementation of modern docimologic tools of evaluation and assessment of the real merit of students' knowledge and skills at the level of the covered subjects and study programs, accurate descriptions of their subjects;
- b) a proper and transparent system for assessing the academic staff by master and doctoral students, such as sociological regular questionnaires and interviews, but not less than once in an academic year;
- c) Teaching and research staff's evaluation sheets will be developed and communicated to the later at the beginning of each new academic year, to take note, at the outset, the expected benefits.

Explanation to Art. 9. Academic professionalism

- (1) The manifestation of professionalism translates in the terms of compliance with its specific characteristics, the right to quality education and research, defined as activity in order to develop knowledge.
- (2) The academic professionalism features
  - Competence in the exercise of the profession (epistemic authority);
  - Belief in the autonomy of the professional decisions in the exercise of the profession through self-protection against amateurism, dilettantism and imposture;
  - Identification with the specialty and with those in the same field;
  - Dedication to the academic career of a significant part of its life, eliminating complacency and dullness;
  - Working in the service of students, avoiding excessive emotional involvement, the arbitrary and unjustified legal and moral preferential treatment, but also showing empathy;
  - Faith in the ability of self-regulation;
  - Cohesion and peer solidarity and fair competition with people in the own university and field.
- (3) Among others, the right to quality study supposes:
  - obligation of teachers, researchers, master and PhD students to know the research and developments in the field;
  - freedom to adhere to different interpretations on the field without, however, imposing the particular targeting in teaching students and without ignoring any denial of the respective orientation of the field;
  - updating the material with reasonable frequency;
  - making public the results of research.
- (4) The principles to rule the research activity:
  - prove competency, creativity, integrity and self-regulation, including to submit to critical examination prior to defending or publishing of a work;
  - maintain professional standards by documenting and questioning the results;
  - recognize publicly the professional and / or material contribution of other persons or institutions to the achieved results;
  - cooperate in research teams;
  - protect the safety of preliminary data;
  - keep each other informed of relevant developments in the field and on research methodologies;
  - promote intellectual honesty and fairness;
  - avoid and / or to declare potential conflicts of interest;
  - comply with the informed consent of those involved in research and safety;
  - to comply with all legal and moral requirements on research;
  - accept critical debates on the results;

- to assume simultaneously fairly and justly, both the research benefits and its costs and risks.
- (5) Students' professionalism implies, besides the teaching staff's activity, consistent and continuous personal endeavours, described in the terms below, with the associated descriptors:
- Professional competencies, as unitary and dynamic ensemble of:
    - knowledge: knowledge, understanding and use of the specific language, explanation and interpretation;
    - skills: application, transfer and problems solving, critical and constructive reflection, creativity and innovation;
  - transversal skills, aiming for value and attitude acquisitions going over a certain field/ study program and implying: autonomy and responsibility, social interaction, personal and professional development.
- (6) Prohibitions:
- a) The refuse to be professionally responsible in drafting courses, course materials, etc. and in updating the subject, in a timeframe of at least 5 years since the first edition or whenever is necessary;
  - b) „academic migration” and the phenomena “part-time academic members”, respectively “the academic education between two trains”.
- (7) Acceptable and tolerable aspects:
- It is not covered by the "academic migration" the teaching-learning done by the staff of the university branch / training centers, legally established, facilitating approximation of the students' and master students' places of domicile / residence, including their increased access to the act of academic training.
- (8) Desirable aspects:
- The University supports and encourages the academic exchanges, the participation of its own teaching and research staff in activities in activities from other universities and similar institutions in the country and abroad, subject to the non-jeopardizing of the own students' right to study and the University one to operate and develop in strictly normal conditions.

#### Explanation to Art. 10. Intellectual honesty and fairness

As interpreted by the reference concept, the lack of intellectual honesty and fairness is reflected in the following terms:

- a) in addition to deviations from good practice in research - development from Art. 2, the University and the members of its community strictly prohibit any form of intellectual fraud, such as total or partial plagiarism, cheating in exams and competitions, "manufacturing" of the results research, substituting the

works or the identity of those examined, taking and taking advantage of works from colleagues, teachers or students, like any other form of corruption or fraud or improper assessment of the performance of students, teaching staff and other categories of employees;

b) deceitfulness, as an act or attempt to use unauthorized materials prohibited during the examination documentation, as well as the copying;

c) use or attempt to use, for the purpose of fraud in exams, of mobile phones and other suitable technical means;

d) manufacturing data and their illegal and immoral use of the type of improvisation in a research or experiment, intentional modification of such data and information, quoting invented items etc.;

e) teaching of the same work for more subjects (self-plagiarism), regardless of the training cycle;

f) changing data in personal, competition or employment sheets, implicitly including in the personal C.V. of false or forged information;

g) facilitating deception from people that grants "help to someone," of which they are aware of or ought to have realized that intend to deceive the Examination commission of nature:

- providing a ready-made works, regardless of the request or otherwise of monetary benefits, services etc. for that;
- acceptance of substituting a person to be examined.

g) wrongly obtained advantage, in particular derived from:

- concealing the received information;
- disturbing the actual examination by preventing or voluntarily distracting the colleagues or competitors to concentrate on the examination;
- sabotaging others by destroying or tampering, irremediably, of library materials or any other nature that may be invoked.

i) plagiarism and / or minor or major self plagiarism, respectively:

- compilation of excerpts from more sources / authors without clear reference to their texts;
- interposing stolen text fragments and the own work;
- taking a text without clear references, with modification and even replacement of some phrases and / or reversing revealing terms, paragraphs, sentences or chapters that do not affect the substance of the first copyright cast;
- omitting clear quotation marks in the text, and mentioning the source work in the final bibliography;
- presentation of the same work in several subjects (plagiarism), subject to the possibility of presenting the same theme, and not the content itself;
- minor plagiarism, in the meanings of: faulty use of the materials, quotations, especially by first-year students; excessive use of resources, accompanied by

a negligible amount of own work; use a small part of a work, and when that part is not decisive in the evaluation.

(2) Acceptable and tolerable aspects:

There are accepted and tolerated the production and dissemination of purely didactic and pedagogical materials by capitalizing on various studies without going under plagiarism, but only under the conditions of the indication in the context of prefacing a WARNING:

“This document has been drawn up in a university context, the presentation was not that of a pedagogical paper.

However, in the interest issue, it is distributed in training belonging to the "Vasile Goldis "Western University of Arad".

(3) Desirable and/ or mandatory aspects for ensuring of non-occurrence of the plagiarism:

- Removal of the fragment intended to be quoted if it fails to identify the source, even if it seems very useful;

- it is preferably to attach to the work of a substantial quotation with either different spacing in the text and in italics or in appendices, if it is more of one page when it is considered that the broad argument of an author which is much better than their own.

(4) To guarantee under Art. 130 (1), lit. c) of the Act on National Education, originality of the bachelor, master, doctoral papers or other scientific papers, the University and its directly involved staff shall, in particular, take the following types of measures, with specific content:

a) educational measures:

a.1.) at the first meetings with students, each tenured teacher in the context of the presentation of the subject and of its description, will insist particularly on intellectual honesty and fairness throughout the development of this subject, with prevalence from guaranteeing originality of the reports, essays and other such, in which students are trained;

a.2.) for the purposes stated above, the appropriate details will be made on the using the own scientific structure for each report or paper, both during their contents and the final / selective bibliography; in particular, the EU minimum rules on producing papers will be presented regarding the scientific use of the device;

a. 3) at the debates based on reports from the seminar it will be prompted each time to the students to decide on the use of the scientific apparatus in the preparation, presentation and discussion of these reports; the teacher concerned will take into account this size in his/ her own evaluations on these reports, the marks given to the involved students, which will be taken into account at the final examinations for the subjects.

a.4) the supervisors of bachelor, master, doctoral work will alert, even in the early stage, the concerned graduates to draw up and support them, the imperative originality of this work also aiming during the entire guidance for the observance degree of this requirement and, mainly, the concrete way that was used, and the employed way, using and recording the scientific device with eventual optimization suggestions.



a.5) at the periodic training at the University, faculties and departments, with senior management and the teaching staff, preceding the graduation exams, a distinct point of approach will be the increasing concerns for guaranteeing the originality of such works.

b) administrative measures:

b.1.) inclusion in the relevant regulations targeting students and the rules of organization and conduct of examinations, the imperative of ensuring the originality of works of reference;

b.2.) updating annually by each professor, the list of licensed works to be tendered to the students with establishing mandatory bibliography for each one;

b.3.) the establishment at the university, faculties and departments of the maximum number of works per category - Bachelor, Master - that can guide/ coordinate simultaneously as a teacher, in compliance with legal and RAQAHE standards to facilitate effective, time and capacity guidance / coordination; compliance with national standard on the tenured teaching staff, reported to the number of students is an intrinsic condition to the specificity of each faculty and study program;

b.4.) to the previous purpose and as derivative thereof, the options for accepting students for a work or another will fully comply with the timeline registration of these options and without exceeding the number of people assigned to each teacher individually;

b.5.) not agreeing to register with the graduation exams of the students who did not choose, timely, regular, their graduation subject;

b.6.) will not accept for registration at the graduation exams the university graduates from other similar institutions and which, by their number, are beyond the capacity of the university to ensure supervisors / coordinators for undergraduate and master works;

b.7.) the faculties / departments will take measures to ensure that each member of the committee, in front of which which the Bachelor or master theses are defended to study thoroughly and to record their observations on the reference works implicitly aimed degree of originality, before defending them;

b.8.) a minimum time will be set to support each work before the committees, so as to avoid formalism in evaluation and enable the members of these committees to submit questions and get responses from supporters attesting default originality works.

c) technical measures:

c.1.) continuing to maintain at university and faculty / departments of the standard form concerning the Declaration on oath, by the graduate undertaking the responsibility originality of the Bachelor, master, doctoral dissertation or, where appropriate, to be completed signed and submitted to the secretariats of the faculties / departments of belonging, required when submitting examples of such works;

c.2.) issue, at university, faculty / department, a standard form on the minimum content of evaluation reports by supervisors / coordinators of reference works, in whose algorithm to find distinctly references to: originality of the work; degree and correct use of scientific

apparatus; assuming solidarity with the concerned graduate in guarantee the originality of that work;

c.3.) introduction, in the university, of an IT system that allows verification of the degree of originality of work, respectively, and primarily, that identifies those that were plagiarized in whole or in part; training teaching and research staff on using this system.

#### Explanation to Art. 11. Transparency and Privacy

(1) Transparency involves publishing on the university's website and submit, where appropriate, to the competent authorities of all reports and other documents expressly stipulated in the Act of National Education and the University Charter; access to other data and information to those authorities, in respect and the implementation of the legal framework mentioned.

(2) Transparency also involves access to information on admission, assessment, employment and promotion, and relatively to available resources in research and decision-making criteria for internal institutional. Such information is published on the university websites.

(3) The transparency in admission, evaluation, employment and promotion presumes inter alia:

a) the employment and promotion of staff on the basis of the relevant merits of candidates for the respective position and with respect of non-discrimination and equal opportunities. This does not exclude the performance and equal merit, positive measures for persons belonging to disadvantaged or underrepresented categories;

b) clearly defining and fully consistent with the status roles to which it accedes and the publication of selection criteria for hiring and promotion; samples involving major subjectivity of evaluators will deal usually a much lower weight than the samples with high degree of objectivity (written work, tests), depending on the particularities of the position;

c) promotion examinations and interviews will not contain questions on personal relationships and private life of the candidate, his civilian status or personal histories, except during strictly on academic and / or professional;

d) will be offered, including by the assessment organs, clear information for all candidates on the peculiarities of the position opened for competition, particularly for the exercise of the positions and functions (if necessary, including the need for frequent travel) etc. ;

e) the students have the right of access to information on ongoing evaluation criteria, examinations, seminars etc., from the beginning of each course, as well as explanations regarding the marks.

(4) Transparency in the use of resources involves, inter alia:

a) periodic public reports in this matter, implicitly on the income and expenditure budget and on the budgetary execution;

b) the use of funds made available for teaching, research, administration, by the university or by third parties, in strict compliance with the purposes and rules by which they were granted, are made public;

c) express mentioning from the academic community, especially teachers and researchers, of the financial support and/ or material that they received from the university, other organizations, institutions or individuals, to carry out the research or their publication.

(5) The tenured teaching University staff has full access to all documents that interest him directly, including the personal file.

(6) As a public institution, the University and its authorities, according to their competence, are obliged to provide correct information to citizens on the public affairs vested in the institution.

(7) maintaining the confidentiality of such type of data will ensure in all circumstances, except in cases where the position tasks, the legal requirements or other legal interests require strict strictly something else.

#### Explanation to Art. 12. Respect and tolerance

(1) Respect supposes to honor and esteem others in terms of mutually protecting their dignity and the personal dignity, without any hint of subservience, arrogance and vanity of minimizing merit another.

(2) Failure to tolerate the connotation of acceptance, ownership and internalization of differences, attitudes and behaviors lenient, indulgent to these differences, which enable and intensify cooperation among all members of the academic community, and between them and their collaborators external.

(3) Harassment, regardless of its actual forms of manifestation, is verbal behavior and / or operated degrading, intimidating or humiliating, which follows or leads to damage an individual's capacity to carry out their professional activities and study normally, or to exercise other rights and obligations moral and legal.

(4) Prohibitions:

- (a) use of inappropriate types of language (words, labelling and stigmatization, style and tone) or actions, constituting into personal assaults;
- (b) unhealthy repulsion for women by men, as well as vice versa;
- (c) discrimination, of any nature, grounded on the physical difference between men and women;
- (d) use of alcohol, drugs, etnobotanics or likely, as well as the presence in the academic area under their influence
- (e) racism;
- (f) chauvinism;
- (g) xenophobia;
- (h) homophobia;
- (i) sexual harrassment, in the sense of unwelcome sexual advances, request for sexual favours or other physical or verbal manifestations by the academic teaching

and administrative staff, but possibly, also by students, master's or PhD candidates, in which case:

- submission to a behaviour as such is connected to the conditioning of instruction, evaluation, promotion or participation to the academic activity and which affects the person through intimidation, hostility, offence, the person's work, their academic performance, their life conditions and the general environment of the developing academic activity;
- the following forms of manifestation can be encountered: insistence to being erotically or sexually accepted by approaching a person, letters and telephones when the latter clearly states they do not welcome such things; repeated sexually-charged remarks by persons with higher-statuses intended for their subordinates, although they had been asked to stop;
- requests for private encounters, unwanted by the person in view, under the suggestion of potential repercussions in the case of declining the offer; the attempt, by a group of students, to systematically approach someone in common places (youth hostels, canteens), having as a consequence that person avoiding the place; systematic repetition of sexist enunciations, jokes with a sexual innuendo or sexual fantasy stories, in conditions where those who are present do not accept this and voice their disapproval; sending pornographic and obscene material, unrequested or unwanted by the recipient; physical touch of another person, with and erotic/sexual connotation, without their consent;

(j) insulting behaviours and acts of abusive or umiliating expression, intended against participants in academic activities;

(k) intentional use of a confusing managerial style, inhibitory for some subordinates;

(l) aliation tendencies for creating pressure groups that are contrary to the legitimate institutional interests.

(6) Tolerable aspects:

- the following are not considered as sexual harrassment: erotically- and sexually-charged attitudes and behaviours commonly accepted by the parties, especially between young and unmarried persons and which do not affect, in any way, the psycho-moral and professional academic climate, of the type student-student, preparer/assistant-student;
- firmness and strictness are not considered as insulting behaviours, except for those that are excessive and systematically and unjustly directed towards the same people, to the point of becoming acts of persecution.

(7) Desirable aspects:

- solving potential conflicts and tensional states amiably, by using morally and legally reasonable and rational arguments or by accepting mediation, if such is the case;
- encouraging victims of harrassment, of all forms of lack of respect and intolerance, to make such cases public, as well as any other members of the academic community who are aware of their existence.

- direct personal actions for discouraging harrassment, of the following types: direct and firmly negative answers by the persons affected, without apologies or intimidating smiles and very clearly expressed; in case of justified reluctance for face-to-face communication, it is desirable to send letters requesting the cease of reprehensible behaviour by the person who manifested it, also keeping a dated copy of it.
- hiring counselors on harrassment issue (students' advocate, officer for affirmative action), as well setting up an organism that would deal with academic environment security (in youth hostels and in the campus).
- making public the possibilities of approaching and solving claims and complaints, as well as the people who were appointed to offer counseling.

#### Explanation to Art. 13 Benevolence and care

(1) Benevolence and care represent one of the most important factors of cohesion and solidarity of the academic community members, with major, positive impact on the existential functional reasons of the university, in its internal and external dynamics.

(2) Prohibitions:

- (a)** Benevolence and care must not undermine evaluator's impartiality, nor should they be invoked as pretexts for favouritism.
- (b)** Systematic indifference towards the students' and staff's legitimate requirements.
- (c)** Carelessness, when this affects or can affect, to a great extent, the development of the teaching or research process etc.

(3) Desirable aspects

- a)** This principle must necessarily be practiced constantly, whenever it is possible, by the members of the academic community, but especially in situations that are particularly confusing, adaptation crises, stalemates, dramas, serious problems, which surpass the needs for justice, neutrality and impartiality of the members of the academic community, requiring empathy, compassion, moral, financial or material support, optimism, solidarity.
- b)** Manifestation of appreciation and esteem, of pride with regard to the professional or personal achievements of colleagues or students, master's or PhD candidates.
- c)** Expression and manifestation of care and benevolence with respect to other communities – local, national, regional, international – as well as with other universities, in the spirit of fair competition and solidarity.
- d)** Selfless and self-sacrificing behaviours in cases of calamity and disaster, major social and institutional crises, especially by professors and managers, as well as, generally speaking, pro-social behaviours towards authorities, community and other citizens.

(4) Failure to practice benevolence and care, except for extreme situations and in the conditions of complying with the other provisions of the present Code, cannot be sanctioned.

## Explanation at Art. 14

(1) the University and its community shall pursue and directly involve into the demarches that are required in order to ensure its needs for:

- ⇒ management autonomy;
- ⇒ a supple and positive normative framework;
- ⇒ equitable financing, in the absence of which we shall find ourselves in disadvantageous situations both in dealing with competition, and in developing cooperation;

## (2) Prohibitions

Any attitudes and/or behaviours that might illegitimately and immorally cultivate unfair competition of any nature, interinstitutional, inter/ intra groups or interpersons, are strictly prohibited.

In context for university staff are prohibited:

- a) provision of personal interest or a third party of an activity that is in competition with the University interests;
- b) provision, during normal working times outside his activity in favor of a third party - natural or legal person - which is in competition with the university, with the exceptions and conditions as permitted by law and / or the University Charter;
- c) communication or disclosure outside the university, copy for others, or for any purpose of documents, notes, cards or other items on the activity and data fund of the institution, except those for which were obtained in advance approvals from senior staff in the university, empowered to do so;
- d) disclosure, unauthorized in advance and in writing by the management of the university, in any way the organization's relationship with its beneficiaries, the external works, how the manufacturing and value of the contracts are to be negotiated or are under negotiation by the university with third parties for the execution of products and services.

(3) Desirable aspects – all members of the academic community are supposed and expected, according to their own status competences, roles, capacities and abilities, to seek and capitalize on any possible opportunities for expressing their disapproval and firm rejection of any forms of manifestation of unfair competition with regard to the University they belong to, as a conclusive expression of institutional loyalty.

## Explanation to Art. 15 – Assuming the standards of the European Higher Education Area correlated to the European Area of Scientific Research

(1) The promotion and implementation of the major objectives of the European Space of Higher Education implies an ethical conduct dimension, derived from:

- Adopting the system of readable and comparable diplomas, implicitly by introducing the Diploma Supplement in order to favour the integration of our alumni onto the labour market;
- Promoting mobility by eliminating obstacles in the free circulation of students, professors, researchers and administrative staff;
- Promoting European cooperation in the field of quality assessment;
- Promoting the European dimension, as adapted to the specificity of the University.

The following pertain to this context:

(2) Prohibitions:

- a) Any intentional or accidental action or inaction that might illegitimately affect the rights of the owners of diplomas and diploma supplements.
- b) Any morally and legally unjustified limitation of the students' right to access studies, formation possibilities and services that are related to them, as well of the University staff's access to acknowledgment and realization of research periods, of their preparation and formation in a European context, without any prejudice to their status rights.

(3) Desirable aspects:

a) In order to promote the European dimension, as adapted to the specificity of the University, as well as European cooperation in the field of quality assessment, all members of the academic community are expected, according to the case, to actively involve in:

- elaborating pertinent study programs;
- cooperating with other institutions;
- mobility programs;
- study integration, formation and research programs;
- elaborating comparable assessment criteria and methodologies.

b) The assumption and application of the principles of the European Space of Higher Education imply adopting an appropriate ethical conduct in order to ensure:

- autonomy and responsibility;
- education as a public duty;
- research, as a mandatory requirement in higher education;
- organized diversity.

c) The assumption of fundamental issues of reciprocal recognition of the European Space of Higher Education requires systematic and consistent involvement in knowing and solving them, especially with regard to:

- Quality, as a fundamental element in the intersection of essential academic values, of the preoccupation to meet the expectations of one's own institution, by making proof of one's performance; achievement of the due equilibrium between innovation and tradition, academic excellence and socio-economic pertinence; coherence of courses and freedom in choosing students; systematical self-assessment concerning preparation and research; management and administration, response to the students' needs, delivery of extra-academic performance;
- Deserving to be trusted, as proved by the official recognition of national, European and international agents of academic accreditation and quality assessment, as well as of other mechanisms of reciprocal acknowledgement;
- Ensuring pertinence, by adjusting to the employment requirements, differently reflected according to the academic cycle, as well as by awarding competences that would respond to the objective of penetrating the labour market ensuing the completion of each cycle, placing the accent on:
  - ✧ the intrinsic value of quality education;
  - ✧ the diversity of approaches and suggested course profiles;
  - ✧ the flexibility of problems, endowed with several entry and exit points;

- ✧ the development of transversal competences and aptitudes, such as communication, foreign languages and informatics;
  - ✧ the capacity of the person to exploit their knowledge, to solve problems, to work in a team and to integrate into the community and society in a broader sense.
- The development of mobility, the essential dimension of which is represented by the free movement of students, academic staff and diplomas and which must be rallied to the assertion that mobility cannot replace the mobility of persons, as well as to the constructive and flexible utilization of the existing tools in the field of recognition and mobility (ECTS, The Lisbon Recognition Convention).

(1) Prohibitions

- a) It is prohibited to develop mobility outside the strict criteria of morality and lawfulness.
- b) Volunteering in conceiving and awarding transferable credits per disciplines is excluded and condemnable.

(2) Acceptable and tolerable aspects

- a) Mobility restrictions reciprocally imposed by partnering institutions, such as knowing the language being taught/learned, are acceptable.
- b) Credit differentiations, deriving from national particularities, are tolerable.

(3) Desirable aspects:

- a. It is desirable that strictly institutional, formal, mobility-developing demarches should be associated with informal demarches by the members of the academic community.
- b) Harmonizing concerns, according to the European standards of transferable credits, per specialization and per discipline, are legitimate expectations, as an essential condition of mobility and reciprocal recognition of study periods and final diplomas.
- c) Taking the responsibility and liability associated with the readjustment of preparation in the instruction cycles agreed upon at a European level;
- d) developing and strengthening the university and its teaching and research staff ratio to the increasing of the attractiveness of European higher education

#### CHAPTER IV. THE UNIVERSITY ETHICS AND PROFESSIONAL DEONTOLOGY COMMISSION STATUS

Art. 1. The University Ethics and Professional Deontology Commission is the special body created through the decision of the Senate of the Western University "Vasile Goldis" of Arad, aiming at observing and applying, systematically and rigorously, the principles in the Code of Ethics and Academic Professional Deontology, as well as the norms of its explicative Memorandum.

Art. 2 The University's Ethics Commission organization and functioning is regulated by this Statute, which part of the Code of Ethics and the University Charter

(1) The structure and composition of the Ethics Commission is proposed by the Board of Directors, endorsed by the University Senate and approved by the Rector.



(2) The members of the Ethics Commission are selected, nominated and approved exclusively among people with professional prestige and moral authority aiming at, as far as possible and ensuring proportionality of representation of faculties / departments.

(3) In the composition of the Ethics Commission is at least one student representative elected by direct and secret ballot by members of the University Senate, students, based on proposals put forward in advance of the student representatives in faculty committees.

(4) There cannot be members of the Ethics Commission any of the persons occupying positions: rector, vice rector, dean, vice-dean, administrative director, department director or of research and development, design, micro-production unit.

(5) At least one third of the members of the Ethics Commission are female, respectively male.

(6) The structure and composition of the committees of ethics are reconfirmed or amended in accordance with the provisions of the preceding paragraphs of this article

The members of the Ethics Commission shall be elected and appointed as follows:

- a. The professorial members are proposed by faculties/departments and voted for by the University Senate.
- b. The student members are elected on grounds of candidacy, through the vote of students, being confirmed by the vote of Senate.
- c. The members of the Commission, with the exception of the secretary, are elected on a 2 or 3-year basis, for 2 consecutive terms at most; the secretary of the commission is appointed for an undetermined period.
- d. The members of the University's managing structures cannot be included in this Commission.
- e. Half of the members, except for the secretary, are appointed and/or voted or reconfirmed each year, according to the case.
- f. At least one third of the voting members of the Commission shall be of the female, and male gender, respectively.
- g. It is recommended that the Commission contain representatives of ethnic minorities, in cases when ethnic affiliation can create ethical issues (discrimination).
- h. During the first assembly of the Commission, as well as during each assembly following the (annual) inclusion of new members, its members elect the coordinator, who will be in charge of organizing the activity of the Commission.
- i. The Ethics Commission carries out its activity in collaboration with a jurist (the jurist of the institution).

Art. 3. The Ethics Commission has the following attributions:

(a) analyzes and resolve deviations from ethics and professional deontology university, based on complaints received or on their own initiative;

(b) draws up an annual report regarding the situation of complying with the academic ethic and of the research activities ethics. The report is submitted to the rector, to the University Senate and it is public.

(c) contributes to change / update, where appropriate, of the Code of Ethics and academic professional deontology and its explanatory memorandum, and the dissemination of their provisions;

d) the powers established by Law no. 206/2004, as amended and supplemented, met effectively through the Commission / subcommittees of ethics of the scientific research,

technological development and innovation, established and operating under the University Charter and own regulations.

e) monitors the implementation by the rector / dean, if appropriate, sanctions they decided after resolving deviations from jurisdiction to sanction including, if necessary, on appeal to the University Senate or ultimately, the Board of ethics and Management University, attached to MECTS;

f) consents to any specific request addressed to it by the Board of Ethics and University Management, attached MECTS, and after informing the prior approval of the Rector. Notifies the Council about possible irregularities in the university remit of its research

g) participates through its appointed members, possible work meetings or similar events, national or inter-European times, the object issues related to professional ethics and deontology university, with prior approval of the Rector. Reports drawn up following any participation of this kind, containing the main lessons learned and recommendations for optimizations possible, at institutional level, for submission to the Rector;

h) prepares, through its members appointed at the request of the Rector, training materials on ethics and professional deontology university, which they present to summonses regular training with senior management or executive of the university, particularly those dedicated to the opening of each new academic year;

i) exercises other powers derived from possible new national rules in the matter of jurisdiction

Art. 4. Under the jurisdiction of the Commission of Ethics enter:

a) members of the academic community and the academic administrative staff, as well as any person from the outside of the institution which was seized;

b) violations performed by the academic community members from the ethics and the academic professional deontology, both in university and outside of it.

Art. 5. Procedures for analysis and solution of violation of academic ethics and professional conduct are the following:

(1) Formulation, receiving and recording complaints / ex officio.

a) Any person in or outside the university, the Ethics Commission may refer abuses under the jurisdiction of this commission;

b) complaints shall be in writing and contain as much relevant data concerning the identity of or the requiring (including contacts), identity of the party / parties complained, actions and deeds imputed, place, date and circumstances of committing, potential witnesses and any other information deemed useful;

c) members of the Ethics Commission can take action and lodge their own complaints;

d) does not accept anonymous complaints, except those containing clues that irregularities were committed for the Commission of Ethics;

e) notifications are received in a sealed envelope or the Rector's Office, either directly to the secretary of the Ethics Commission, which shall be logged and issued the registration number. In the first case, notification shall be sent as soon as possible, Secretary Ethics Commission;

f) sealed envelopes are opened only by members of the Ethics Commission, the plenum, or a particular member delegation in this regard.

(2) Analyze and solve de facto complaints:

a) Referral to be discussed in plenary Ethics Commission, in the presence of at least half plus one of its members, and decisions are taken at least a simple majority of those present. This review can take one of the following decisions:

a.1. - Acceptance of the validity of competence for solving Ethics Commission and start solving the case;

a.2. - The jurisdiction to other decision makers or solving abilities, such as misbehavior situation, competence rector / Deans or commissions research of these misbehaviors;

a.3. - Ranking referral if it contains minimum elements or is manifestly biased.

b) The Ethics Commission will notify the author of the notification, no later than 30 days from its receipt, one of the solutions decided during analysis; in the first solution and is this communication that will be informed of the outcome of the proceedings, following their conclusion.

c) The Commission shall keep confidential the identity of the ethics complaint. To the extent that during the course of investigation procedures, disclosure of that identity is absolutely necessary, the applicant will be asked permission to do so. If he refuses, the case is closed.

d) In case of acceptance of competence for solving the referral, the Ethics Commission will establish a team of at least three of its members to conduct investigations and hearings, of which at least one is female or male; Members can recuse proposed in the event of conflicts of interest they have in this case.

e) Throughout the investigation, members of the inquiry commission probing guilt gather evidence both for and defending party / parties complained of;

f) investigation team coordinator shall notify the President of the Ethics Commission on behalf of the party / parties complained about receiving the referral and the start of the investigation in order to formulate a written position on the alleged acts. In the context of notification will be made clarifications on the content of the notification, the nature of the information requested, the composition of the investigation team, as well as on the possibility to challenge one or more members.

g) In case of objection, the applicant shall notify this, with the necessary arguments, legal and ethical Ethics Commission, within a maximum of five days of receipt of the first notification; The Ethics Commission will analyze and decide on the objection raised either by their acceptance, followed by replacement member / members targeted, either through rejection; In both situations possible applicant / complaints will be notified again on the variant decided, and the proceedings will continue.

h) The team investigation will proceed further in the investigation itself, including, where appropriate, by hearing the applicant / applicants, the author of the complaint / referral, witnesses, and if the applicant consents by confronting parties, where absolute need.

The questions that members of the investigation team and allegations party / parties on these issues will be recorded in the minutes, to be signed by all members of that team and every party involved. Discussions can be recorded and electronically, subject to informing heard about this before the start of the hearing itself.

i) Throughout the investigation, the investigation team may request the parties, in writing or verbally, information, clarifications, documents and additional documents about details of the case.

j) Based on a thorough study of all the documents and the documents filed in the case file, the investigation team will report the case, which it will submit to the plenary and supports the Ethics Commission.

Case Report will contain at least the following information:

- 1) identity of the parties involved;
- 2) the nature and content, in summary, the object of the complaint;
- 3) the veracity of the alleged facts, indicating the existing evidence in the case file tabs and the framing of each item and facts to rule in the Explanatory Memorandum, relevant, which develops ban.

k) case report analyzes and discusses the plenary Ethics Commission and the final decision is taken by simple majority of members present, the statutory meeting.

Dissenting opinions of members of the Commission who voted against, will be retained and reported both in the minutes of the meeting of work, in this case, the Ethics Commission and the final report of the case;

k) The final report of the case will be completed by members of the investigative team, overseeing the Ethics Commission President or his replacement special delegate, having, in essence, the case report with corrections made in the context of point previous approaches. Ethics Commission decisions will be approved by the university's legal counsel.

l) A copy of the Final Report of the case will be sent to each of the parties involved, with the request to formulate any opinions or objections. If so, the Ethics Commission, a statutory function, may make changes on this report, all with a simple majority vote of the members present.

m) The final report of the case will be submitted, signed by the President of the Ethics Commission, the rector or dean, as appropriate, competent to apply the sanction / penalties suggested / proposed, which are obliged to comply within 30 days after determining penalties.

Art. 6 - (1) The penalties that may be applied by the Ethics Commission of teaching and research as well as teaching staff and research auxiliary for violating academic ethics or deviations from good conduct in scientific research are as follows: ) written warning;

b) Basic salary reduction, cumulatively, when appropriate, compensation management, guidance and control;

c) suspension, for a period of time, the right of entry to a competition for higher teaching position or a senior, guiding and control, or commissioners doctoral or master license ;

d) dismissal from the management of education;

e) disciplinary termination of the employment contract.

(2) The ethics in scientific research, technological development and innovation, propose the following sanctions for breaching the conduct in scientific research, technological development and innovation:

a) removing the person / people in the team;

b) change the project manager;

c) withdrawal and / or correct any published work by violating the rules of good conduct; d) written reprimand;

e) demotion;

f) suspension from office;

g) dismissal.

Also, for such deviations apply disciplinary sanctions provided in the Code of ethics and professional deontology of research and development personnel and sanctions in the Law no.64 / 1991 on patents, republished, as amended, Law no.129 / 1992 on the protection of industrial designs, republished and Law no. 8/1996 on copyright and related rights, as amended and supplemented.

Art. 7. Penalties may decide by the Ethics Committee of students and students - doctoral students for violation of academic ethics are:

a) written warning;

b) the expulsion;

c) other penalties established at the University in accordance with Art. 319, c) of the National Education Law, namely:

c.1.) dismissal of any member of the Board functions or faculties in the university senate;

c.2.) withdrawal of membership of the board of the student organization;

c.3.) prohibition to apply for one of these positions in points c.1) and c.2);

c.4.) withdrawal of any scholarships awarded by the university;

c.5.) suspension, temporary right of entry and participation in the university's student mobility programs, from national, European or international.

Art. 8. An ethical sanctioned person's right to address the courts is guaranteed.

Art. 9. Legal responsibility for decisions and activities Ethics Commission is incumbent university.

Art.10. In case of conflict between decisions to sanction handed down by the Ethics Commission, on the one hand, and the rector or dean must apply those sanctions ethical, on the other hand, may address the University Senate and the Board of Ethics and Management University, as the case..

Art.11 (1) The University Board of Directors will provide appropriate space and material and technical conditions necessary for the functioning of the Ethics Commission.

(2) The members of the Ethics Commission, members of the University tenured staff will receive a reduced teaching load, according to the Act on National Education, or will be paid in accordance with the decision of the Board of Directors, as appropriate.

(3) Members / Member of the Ethics Commission, students / student they will reduce the tuition fee, as decided by the Board.

(4) Remuneration Ethics Commission Secretary shall be granted according to decision of the Board of Directors.

## CHAPTER V. FINAL AND TRANSITORY DISPOSITIONS

Art. 1. The Code of ethics of the Western University "Vasile Goldis" of Arad, its explicative Memorandum and the Ethics Commission status come into force on the date of their approval by the University Senate and of their being published on the University's website.

Art. 2. With the entry into force of the Code of Ethics and academic professional deontology, its explanatory memorandum and the Statute of the Ethics Commission, there ceases by operation of law the applicability of similar legal internal regulations approved by the University Senate Resolution no. 116 / 28.10.2005, as amended and supplemented.

Art. 3. The Code of Ethics and academic professional deontology university, its explanatory memorandum and the Statute of the Ethics Commission will be modified and / or updated, as appropriate, within 30 days since the publication of the reference Code of ethics and academic professional deontology produced by the Board of Ethics and Academic

Management of MECTS and whenever necessary, through the procedures for adoption of these internal legal regulations of the university.

This Code of Ethics and academic professional deontology of the “Vasile Goldis” Western University of Arad was approved in the university senate meeting on 18 July 2011.