

	University of Life Sciences "King Mihai I" from Timișoara	Issuing body service of Quality Management
	ORGANIZATION AND FUNCTIONING REGULATIONS OF THE UNIVERSITY ETHICS COMMISSION	Edition 1/Revision 3
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ORGANIZATION AND FUNCTIONING REGULATIONS OF THE UNIVERSITY ETHICS COMMISSION

CHAPTER I. General provisions

Art. 1. (1) This regulation is developed in accordance with the National Education Law no. 1/2011 , with subsequent amendments and additions , the university charter - the code of ethics and university professional deontology of the University of Life Sciences "King Mihai I" from Timisoara.

(2) In applying this Regulation, the university ethics committee will also consider the provisions of other legal regulations: Law no. 206/2004 on good conduct in scientific research, technological development and innovation , with subsequent amendments, Law no. 205/2004 on the protection of animals, republished, with subsequent amendments and additions , Government Ordinance no. 49/2000 regarding the regime for obtaining, testing, using and marketing genetically modified organisms through modern biotechnology techniques, as well as the products resulting from them, approved by Law no. 214/2002, with subsequent amendments and additions.

CHAPTER II. The structure and composition of the commission

Art. 2. (1) The university ethics commission is an operative structure of the senate of the University of Life Sciences "King Mihai I" from Timișoara, created in order to apply and respect by the entire university community the norms of good conduct in teaching, scientific and administrative research activities.

(2) The structure and composition of the university ethics commission is proposed by the board of administration, approved by the university senate and approved by order of the rector, according to art. 306 para. 2 of the National Education Law no. 1/2011, with subsequent amendments.

(3) The change in the composition of the university ethics commission is approved by the university senate.

Art. 3. People who hold management positions cannot be part of the university ethics committee: rector, vice-rector, dean, vice-dean, administrative director, director of a department or research unit - development, design or microproduction, union leaders, such as and the persons who have been sanctioned for failure to fulfill or defective fulfillment of their duties or for failure to comply with the norms of university ethics.

Art. 4 . (1) The university ethics commission is made up of 10 members, of which 9 members have the right to vote: teaching staff, students, non-teaching staff, with professional prestige and moral authority and the representative of the legal department who does not have the right to vote . The composition of the commission will be composed in such a way that there is a representativeness of at least 1/3 female or male members.

(2) The composition of the university ethics commission is proposed as follows:

- a) the president of the commission is chosen from among the members of the senate, on the occasion of the general elections, being able to hold this position for a maximum of two successive mandates;
- b) the vice-president is proposed by the president of the commission and is elected by the commission members by secret ballot;
- c) teaching staff members are proposed by the faculty councils;
- d) the representative of the administration and auxiliary teaching staff is proposed by the administrative management;
- e) the student representative is proposed by the student organizations among students who have not had disciplinary sanctions and who have a good professional and moral image;
- f) the secretary of the commission is proposed by the rector of the university, without the right to vote when making decisions, who will keep records of the commission's documents, ensure the contacts, draft the minutes and sign them together with the members of the university ethics commission present at the respective meeting. Upon request, the secretary of the commission can take over and register the complaints and complaints and can give those interested advice on formulating and completing the notifications/complaints.
- g) the legal advisor of the university is a member of the commission by law, without the right to vote.

(3) The president of the commission represents the commission in the relationship with the university management. The vice-president takes over the duties of the president, in situations when the president is unavailable.

(4) The decisions of the university ethics committee are approved by the legal advisor of the university. The legal responsibility for the decisions and activity of the university ethics commission rests with the university.

CHAPTER III. Powers of the Commission

Art. 5. The university ethics commission has the following attributions:

- a) analyzes and resolves deviations from university ethics, based on reports or by self-reporting, according to the code of university ethics and deontology and this regulation;
- b) makes an annual report on the state of compliance with university ethics and the ethics of research activities, which is presented to the rector, the university senate and constitutes a public document;
- c) contributes to the development of the code of university ethics and deontology, which is proposed to the university senate for adoption and inclusion in the university charter;
- d) the attributions established by Law no. 206/2004, with subsequent amendments and additions;
- e) keep confidential the identity of the author of the referral or complaint;

- f) urgently notify the state institutions of the cases that are the subject of the criminal investigation and make available to them all the information they have regarding the respective cases;
- g) proposes and promotes any changes or amendments to the code of university ethics;
- h) other attributions provided by the legislation in force.

CHAPTER IV. Jurisdiction and competence of the university ethics committee

Art. 6. (1) All persons who are part of the university community come under the jurisdiction of the university ethics commission.

(2) Deviations from the code of ethics that occur within the university and the university campus, as well as those outside it, to the extent that they involve members of the own university community, are within the competence of the university ethics committee.

(3) The university ethics committee does not replace other working committees of the university senate or the institution in terms of taking punitive measures and/or their implementation. The commission will analyze only those cases that are not solved directly and correctly or do not belong to the remit of another structure in the university ¹.

CHAPTER V. Material basis and remuneration

Art. 7. The material base (the space for holding meetings and keeping documents, paper, files, access to the copier, etc.) will be provided by the secretariat of the rector. The remuneration of the commission members will be done by including in the didactic norm for the teaching staff, the time equivalent to one hour per week, and for the administrative staff either by including these activities in the job description, or by the adjacent procedures regarding overtime. Remuneration of student members can be achieved through other compensatory measures.

CHAPTER VI. The functioning of the university ethics committee

Art. 8. (1) The university ethics commission meets every six months, in ordinary session and whenever necessary, in extraordinary meetings.

(2) The commission meets in extraordinary meetings no later than 15 working days after receiving the notification or complaint. The members of the university ethics commission will be summoned in writing by the secretary, on the initiative of the president, who fixes the date, time, place and agenda of the meeting.

(3) The decision on the validity of the notification or complaint, respectively on the initiation of the case analysis, is communicated to the person who complained, within 30 days of receiving the notification/complaint.

(4) The deadline for responding to any notification or complaint is 30 days from the completion of the investigation, with the exception of notifications/complaints regarding alleged deviations from good conduct in scientific research, in which case the deadlines established by Law no. 206/2004 regarding good conduct in scientific research, technological development and innovation.

(5) Decisions are adopted by a simple majority of the members present - by secret ballot, if their number represents at least two thirds of the total number of members with

¹ For example, students' cases of copying and plagiarism are, as a rule, directly sanctioned by the faculty councils, but with the transmission of the information to the Ethics Commission, in order to be added to the database. The ethics committee does not analyze gossip or rumours, does not practice psychotherapy and does not deal with re-educating someone.

voting rights. In case of equality of votes, the vote of the president prevails in the adoption of decisions.

Art. 9. (1) None of the members of the commission can be prevented from being part of the quorum, except in the case where the analyzed case puts him in a conflict of interests.

(2) If the persons involved in the analysis of a complaint or notification request the exclusion of a member of the university ethics commission from the analysis of the case, due to a conflict of interests, he will withdraw from the process of analysis and resolution of the respective case . Otherwise, the university ethics committee will decide by secret vote, with a simple majority, on the ability of this member to participate in the analysis of the case.

(3) In the event of recusal, or abstention, the recused member of the university ethics committee does not participate in the analysis and resolution of the case.

Art. 10 . (1) **Complaints and notifications** refer to violations and deviations from university ethics, according to the code of ethics and professional deontology of the university or to deviations from the norms of good conduct in research - development activity, according to the code of ethics in scientific research from within ULST- R083 and Law no. 206/2004 regarding good conduct in scientific research, technological development and innovation , with subsequent amendments.

(2) Good conduct in scientific research, technological development and innovation activities, hereinafter referred to as **research-development activities** , is based on a set of good conduct norms and procedures intended to comply with them.

Art. 11. (1) Any person from the university or outside of it may submit reports and complaints to the university ethics committee, regarding the commission by a member of the academic community, of an act that may constitute a violation of the code of ethics academic or deviation from good conduct in the research - development activity.

(2) Notifications or complaints are submitted within no more than 3 months from the occurrence of the events that constitute their subject.

(3) By way of exception to the provisions of para. (2) of this article, notifications regarding cases of plagiarism can be filed throughout the copyright protection period, in accordance with the legislation in force - Law no. 8/1996 on copyright and related rights, with subsequent amendments and additions.

Art. 12. (1) The commission investigates all notifications and complaints reported in writing and signed that reach it.

(2) Anonymous referrals or complaints are not subject to the analysis of the university ethics committee.

(3) The university ethics committee can self-report and investigate deviations and violations of the provisions of the university ethics code / deviations from good conduct in the research - development activity only when the members of the commission evaluate based on evidence and decide that reports from the mass media damage the prestige of the university.

Art. 13. (1) Notices and complaints are formulated in their own name, only in writing and contain data regarding the identity of the person making the complaint (surname, first name, address, respectively company name, unique registration code, ORC registration number, including the contact), the identity of the person accused of wrongdoing, the imputed actions, the place and date of their performance, any witnesses, as well as documents attesting to those supported in the notification or complaint.

(2) Notifications and complaints are received at the office of the university ethics committee, and are recorded by its secretary, who issues a registration number.

(3) In the context of a notification or complaint, each claimant can bring accusations only in relation to the facts directed directly against him and which bring him personal harm.

(4) If the complainants make accusations that do not prove to be founded, well-founded or true, the university ethics committee has the right to self-report and apply legal sanctions against the respective complainants.

Art. 14. (1) In order to ascertain the nature of the imputed facts and the extent to which they constitute deviations or questionable acts in the sense of the code of university ethics/the code of ethics in scientific research, the university ethics commission will carry out an investigation, including by interviewing witnesses, hearing and (if necessary if the injured party gives his consent) the confrontation of the parties.

(2) To analyze the cases of misconduct, the members of the university ethics commission have access to all the documents related to the accusations to be verified. For cases that require travel outside ULST, the university management will provide financial support, under the law.

(3) The persons, whose facts are to be analyzed, as well as the head of the compartment of which they are a part, will be notified in writing about the start of the investigation, as well as about its results.

Art. 15. (1) At the beginning of the investigation in order to resolve the notification/complaint, the complained party may be heard by the university ethics committee or may be invited to formulate a written position regarding the alleged facts. In the notification addressed to the complained party, the university ethics committee will specify the content of the notification or complaint, the nature of the requested information and invite it to express any objections regarding the ability of the members of the university ethics committee to resolve the respective case (conflicts of interest, etc.).

(2) If the person in question admits the facts that have been imputed to him, the university ethics committee can make a decision based on the notification or complaint and the written statement, by which those facts are recognized.

(3) Conduct of investigation procedures later is not hindered by the lack of a written position or the lack of cooperation of the person who is the subject of the notification or complaint.

(4) The university ethics committee may decide to summon for hearing, at the request of the parties or ex officio, any person who possesses information necessary for the speedy resolution of the case.

(5) The members of the university ethics commission are obliged to keep the hearings and deliberations secret until the final report is drawn up.

Art. 16. (1) During the reporting and analysis procedures of a case by the university ethics committee, in addition to the general rights of the individual, **the plaintiff benefits from the following specific rights** :

a) ensuring confidentiality. If, in the course of the proceedings, the disclosure of the applicant's identity to third parties is absolutely necessary, the applicant will be asked for permission to do so. If the claimant refuses to give permission, further proceedings will be carried out without disclosing the claimant's identity, to the extent possible. If the investigation cannot continue without the disclosure of the identity, and the complainant refuses to give permission, the case will be closed;

b) to be advised on the submission of a properly prepared notification/complaint;

c) to receive a registration number exclusively from the university ethics committee for the submitted notification/complaint;

- d) to appear before the university ethics committee;
- e) to know the composition of the university ethics committee and to appeal under the conditions of art. 9 of this regulation, before starting the investigation, the authority of its members to make a correct decision;
- f) to submit written positions and request meetings with the members of the university ethics commission regarding the fair resolution of the case;
- g) to receive a copy after the completed report;
- h) in the case **of deviations from good conduct in the research - development activity** to receive the report of the analysis committee approved by the university ethics committee within 45 calendar days from the receipt of the notification/complaint;
- i) to challenge the report of the analysis committee approved by the university ethics committee within 15 working days from the date of communication, to the National Ethics Council of Scientific Research, Technological Development and Innovation, for the sanctions established according to Law no. 206/2004 - in the case of deviations from good conduct in the research - development activity;
- j) the university ethics committee in writing , within 15 working days, if he has initiated an appeal to the National Ethics Council of Scientific Research, Technological Development and Innovation and to prove it.

Art. 17 . (1) During the proceedings for reporting and analyzing a case by the university ethics committee, the **complained party benefits from the presumption of innocence and the following rights :**

- a) to appear before the university ethics committee;
 - b) to communicate the composition of the university ethics committee and to appeal under the terms of art. 9 of this regulation, before starting the investigation, the authority of its members to make a correct decision;
 - c) to submit written positions and request meetings with the members of the university ethics commission regarding the fair resolution of the case;
 - d) to receive a copy after the completed report;
 - e) in the case **of deviations from good conduct in the research - development activity** to receive the report of the analysis committee approved by the university ethics committee within 45 calendar days from the receipt of the notification/complaint;
 - f) to challenge the report of the analysis committee approved by the university ethics committee within 15 working days from the date of communication, to the National Ethics Council of Scientific Research, Technological Development and Innovation, for the sanctions established according to Law no. 206/2004 - in the case of deviations from good conduct in the research - development activity ;
- the university ethics committee in writing , within 15 working days, if he has initiated an appeal to the National Ethics Council of Scientific Research, Technological Development and Innovation and to prove it.

(3) Third party access to the case file during the investigation will be prohibited, except for authorized state bodies when the facts are the subject of an official investigation.

(4) After the settlement of the case, third parties' access to the file will be prohibited, with the following exceptions:

- a) the legal representatives of the parties in case of a dispute;
- b) the members of the National Council of Ethics of Scientific Research, Technological Development and Innovation within the Ministry of National Education;
- c) competent state bodies, when the facts are the subject of an official investigation.

Art. 18. (1) The university ethics commission will prepare the final report on the settlement of the case, based on the submitted documents and the hearings/confrontation of the parties involved, within 20 working days from the completion of the investigation.

(2) The final report will contain the positions taken by all members of the commission, either individually or in the form of a joint position.

(3) The case report will contain a finding regarding the nature and veracity of the imputed facts and other relevant facts. Based on this, the university ethics committee will make a decision regarding the extent to which the alleged facts constitute or not a violation of the university ethics code .

(4) If the university ethics committee considers that there is no deviation or violation of the university ethics code or the deviation is minor (e.g. lack of kindness, impoliteness, etc.) and the nature of the problem allows or requires conciliation between the parties on amicable way, this solution must be proposed to the parties, together with the communication of the commission's final report.

CHAPTER VII. Sanctions related to the violation of university ethics and good conduct in research

Art. 19. (1) The university ethics commission considers the following facts to be serious deviations from the university didactic activity and good conduct in the research-development activity , according to the university ethics code and the legislation in force:

- a) entering false information in grant or funding applications;
- b) fabricating results or replacing results with fictitious data;
- c) plagiarizing the results or publications of other authors;

(2) The code of university ethics also establishes other violations of university ethics that must be sanctioned.

Art. 20. (1) The sanctions that can be applied to teaching and research staff and auxiliary teaching and research staff by the university ethics commission for violating university ethics or for deviations from good conduct in scientific research are the following:

- a) written warning;
- b) the reduction of the basic salary, cumulated, when appropriate, with the management, guidance and control allowance;
- c) suspension, for a determined period of time, of the right to enter a competition for the occupation of a higher teaching position or a management, guidance and control position, as a member of doctoral, master's or bachelor's commissions;
- d) dismissal from the leadership position in education;
- e) disciplinary termination of the employment contract.

Art. 21. The sanctions that can be applied by the university ethics commission to students and doctoral students for violating university ethics are the following:

- a) written warning;
- b) expulsion;
- c) other sanctions provided by the legislation in force and decided by the ethics commission as the case may be.

Art. 22. (1) In case of deviations from the provisions of the code of ethics and professional deontology, the university ethics commission establishes, **according to the code of ethics and professional deontology** , one or more of the sanctions provided for in art. 20 or art. 21 of the present regulation on the organization and operation of the university ethics commission.

(2) In case of deviations from good conduct in scientific research, the university ethics commission establishes, **according to Law no. 206/2004**, with subsequent amendments and additions, to the code of ethics and professional deontology of research-development personnel and the code of ethics in scientific research , one or

more of the sanctions provided for in art. 20 or art. 21 of the present regulation on the organization and operation of the university ethics commission times provided by law.

Art. 23. (1) The sanctions established by the university ethics committee must be proportional to the offense committed and the damage caused by it.

(2) The sanctions established according to the law are implemented in accordance with the provisions of art. 322 of the National Education Law no. 1/2011, with subsequent additions and amendments, as well as art. 11 of Law no. 206/2004 regarding good conduct in scientific research, technological development and innovation, with subsequent additions and amendments.

CHAPTER VIII. Archive of the university ethics committee

Art. 24. The secretary of the university ethics committee is responsible for keeping all the documents from the case files, whether they have been resolved or not. The archive will be kept indefinitely, in a suitable space, made available by the university management.

CHAPTER IX. Final provisions

Art. 25. The modification of the regulation can be done at the initiative of the management structures within the university or the members of the university ethics commission, the modifications to be approved by the senate, before they enter into force.

Art. 26. This revised regulation was approved in the meeting of the University Senate on 07.03.2019.

President of the University Ethics Committee,
University Prof. Mr. _ Borcean Adrian

Rector
Professor Popescu Cosmin Alin