



## **Decision No. 24051/10.12. 2019**

Considering the Decision of the Administration Council no. 21957 of 13.11.2019 regarding the Babeş-Bolyai University Code of Ethics and Professional Conduct and of the Codes, Regulations and Legal Affairs Committee

**The Senate approves in its meeting of 9 December  
2019:**

### **Babeş-Bolyai University Code of Ethics and Professional Conduct**

President

Pr. Professor Ioan Chirilă, PhD

Secretary

Bekesi Reka



## Addendum to Senate Decision No. 24051

### UBB Code of ethics and professional conduct

#### I. Objectives and purpose

##### Art. 1.

(1) The code of ethics is a broad statement of the ethical principles, values and behaviours that govern relationships and actions both within Babeş-Bolyai University and between members of the University and parties external to the University. The Code of ethics is intended to assist and guide the development of ethical relations in the professional environment involving members of the academic community (undergraduate students, master's students, doctoral students, teachers and researchers, auxiliary teaching staff, non-teaching staff). The academic community also includes persons who have been conferred the quality of member of the academic community, by decision of the University Senate. The Code of Ethics is also designed to regulate the relations between members of the university community and the external collaborators and their dealings with the community as a whole.

(2) The purpose of this Code is to guide and regulate the conduct of all members of the university community, within and in relation to Babeş-Bolyai University. The Code of ethics of Babeş-Bolyai University is a tool for shaping the university community according to principles and values aimed at preventing misconduct and violation of the university ethics. The Code of ethics and professional conduct is a benchmark for reviewing the actions of the members of the university community, providing principles for establishing models of behaviour, cohesion and valorisation of the potential of the university community.

(3) The Code of ethics is based on the regulations of Law no. 1/2011, with a binding character according to Art. 130, par. 1.

(4) The provisions of this Code shall not be construed to restrict the rights expressly conferred by law or by the collective employment contract.

#### II. Fundamental

##### principles

##### Art. 2.

This Code is based on the following fundamental principles: academic freedom, competence and professionalism, integrity, intellectual honesty, collegiality, loyalty, justice and fairness, non-discrimination and equal opportunities, responsibility.



## *Academic and research freedom*

### **Art. 3.**

(1) Academic freedom refers to the right of every member of the academic community to freely express their scientific and professional views in courses, seminars, conferences, debates and also in their publications or lectures.

(2) Freedom of research is a prerequisite for successfully undertaking research activity with a view to advancing the frontiers of scientific knowledge for the benefit of humanity.

Freedom of research is based on freedom of thought and expression, implying the right of the researcher to identify and choose problem-solving methods according to recognized ethical principles and practices. The limits of freedom of research are conditional on the limits of the fundamental freedoms on which it is based, but also on the specifics of the activity (including supervision/ guidance/ management), or operational constraints (level of budgetary resources, infrastructure, etc.) according to recognized ethical principles and practices.

### **Art. 4.**

Academic freedom allows any member of the academic community to freely express, within and without the University, their opinions based on their professional competence without being subject to any censorship. Critical thinking, intellectual partnership and cooperation are encouraged regardless of political opinions or religious beliefs.

### **Art. 5.**

Academic freedom also means that the academic freedom of the other will be respected in all its aspects.

### **Art. 6.**

Academic freedom does not mean and the academic environment does not approve of:

- a) political propaganda conducted in the University or in relation to the activity of the University or using its infrastructure.
- b) religious proselytism;
- c) promoting extremist, racist or xenophobic doctrines or ideas;
- d) defamation of the University by members of the university community;
- e) personal attacks or defamatory claims against other members of the university community;

## *Competence and professionalism*

### **Art. 7.**

(1) The university is committed to cultivating an environment conducive to competence and competitiveness. Professionalism is a central ethical value. Babeş-Bolyai University supports the development of high standard academic programmes in order to enhance the evolution of knowledge, to train top specialists and to improve the research prestige.



(2) The University supports and rewards scientific, professional, pedagogical, managerial, and administrative excellence, collegial solidarity and competitive loyalty, acknowledges and rewards the professionalism of teachers and researchers who are dedicated to their profession and field of activity, while assuming the moral duty to commit themselves to the best possible training of students.

**Art. 8.**

Every member of the university community is responsible for the quality of the educational process.

**Art. 9.**

Every teacher should master in detail the subject they teach, ensuring that the entire content of the course is updated, representative and in line with the position of the subject in the curriculum.

**Art. 10.**

Disagreements of a scientific nature between teachers should not interfere with the students' training and achievements.

**Art. 11.**

Every teacher is required to pay special attention to the preparation and delivery of the lectures according to the scheduled hours, to the development, preparation or provision of teaching materials and resources in order to allow students to prepare for courses, seminars or laboratories, to hold office hours as scheduled, to supervise and provide guidance for the students written papers (projects, bachelor's or master's degree theses), to grade and communicate results within the prescribed time frame.

**Art. 12.**

(1) From a pedagogical point of view, competence refers to the ability of selecting the most adequate methods for approaching each topic in the syllabus, communicating the objectives of the course, selecting assessment methods in accordance with these objectives. Teaching strategies must be adapted to the specific learning needs of students and the requirements of the course.

(2) In terms of research activity, competence implies that responsible researchers will make sure that their activity is relevant to society and that it does not repeat or replicate a research carried out previously, elsewhere. By way of exception, replicating previous research is accepted if it can produce new results.

(3) Should research activity be delegated, researchers must ensure that the person to whom it is assigned has the necessary skills, experience and knowledge to carry it out.

**Art. 13.**

Breaches of the principle of competence include the following acts:



- a) entrusting courses, seminars or laboratory projects to people who are not adequately trained;
- b) using a significant part of the time allotted to the class or seminar for discussions unrelated to its topic;
- c) intentionally misinterpreting the results of a research to substantiate a theory that the person supports;
- d) negative attitude towards colleagues and their achievements in their own teaching activities;
- e) requiring students to adopt the exclusive viewpoint of the teacher or to refuse to debate and discuss, based on arguments, other points of view expressed on the same topic;
- f) the partial coverage by a teacher of a fundamental course, respectively addressing only the issues that interest them personally;
- g) choosing assessment methods which are inconsistent with the objectives of the course;
- h) not complying with the obligations stipulated in Articles 8-12.

### *Integrity*

#### **Art. 14.**

The integrity of the members of the university community is essential for the development of the didactic and research activity in optimal conditions. Every member of the academic community must avoid any situations that are likely to give rise to doubts as to their integrity, primarily conflict of interest situations.

#### **Art. 15.**

A conflict of interest is a situation posing a risk that personal interest of a member of the academic community (faculty member, student, member of the administrative staff) will interfere, or has the appearance of interfering, with the obligations deriving from their position, or are likely to affect the independence and impartiality required for the fulfilment of these obligations.

#### **Art. 16.**

In the teacher-student relationship, the following constitute a breach of the obligation to act with integrity:

- a) seeking or accepting favours of any kind, including sexual favours;
- b) requesting or accepting gifts or other material benefits;
- c) lending or borrowing money among teacher and students;
- d) teacher 's providing paid services to a student, their spouse or a relative up to the third degree;
- e) student's providing paid or unpaid services to a teacher, their spouse or a relative up to the third degree;
- f) receiving special favours from a student or their relatives up to the third degree.

#### **Art. 17.**

The assessment by a teacher of a person who is their spouse, a relative up to the third degree, or another person with whom the decision-maker has a close relationship or a contractual relationship, except for academic research contractual relations, is likely to give the impression of favouritism



among other students. To avoid this situation, the teacher in question will sign a declaration of abstention:

- a) where there are other teachers of the same speciality, the assessment of the student is carried out by another teacher, appointed by the head of department or dean, as the case may be;
- b) if the substitution is not possible, another teacher of the closest related speciality will be appointed to assist the course coordinator while assessing the student in question.

**Art. 18.**

It is forbidden to include in any competition or assessment committee within the University a person in the situation described in Art. 17 with one of the candidates. To the extent that the incompatibility was not known at the time of the appointment of the committee, the teacher in question has the obligation to abstain and request their replacement from the committee.

**Art. 19.**

Acceptance by a doctoral supervisor to provide doctoral guidance to a doctoral student with whom they are in a relationship as provided by Art. 17 is prohibited.

**Art. 20.**

(1) Positions in a higher education institution connected to an office of leadership, control, authority or institutional evaluation, are in incompatibility, under Art. 295 para. (4) of the National Education Law no. 1/2011 and may not be held simultaneously by spouses, relative or any first degree next of kin up to and including the third degree, as follows:

- a) the president of the university Senate with the rector, the vice-rectors, the chair of the administration council for private confessional institutions and private higher education institutions, the director of the Council for doctoral studies, deans, vice-deans, chief administrative officer, administration council members, heads of departments, heads of doctoral schools, heads of units of higher education institutions, heads of permanent or temporary structures directly subordinated to the president of the university Senate and, where applicable, heads of the lines of study in the languages of national minorities.
- b) the rector with the vice-rectors, the chair of the administration council for private and confessional higher education institutions, the director of the Council for doctoral studies, deans, vice-deans, chief administrative officer, administration council members, heads of departments, heads of doctoral schools, heads of units of higher education institutions, and, where applicable, heads of the lines of study in the languages of national minorities.
- c) vice-rector and director of the Council for doctoral studies with deans, vice-deans, the chair of the administration council, for private and confessional higher education institutions, the chief administrative officer, administration council members, heads of departments, heads of doctoral schools, heads of units subordinated to the vice-rector or director in question, and, where applicable, heads of the lines of study in the languages of national minorities subordinated to the vice-rector or director in question;





- d) members of the administration council with deans, vice-deans, the chair of the administration council, for private and confessional higher education institutions, the chief administrative officer, heads of departments, heads of doctoral schools, heads of units of higher education institution, and, where applicable, heads of the lines of study in the languages of national minorities;
- e) chief administrative officer with the deans, vice-deans, chair of the administration council for private and confessional higher education institutions, with heads of departments/ technical and administrative services and the subordinate staff;
- f) dean with the vice-dean of the respective faculty, heads of departments of the respective faculty, doctoral school supervisors subordinate to the respective faculty, heads of units subordinate to the respective faculty and, where applicable, heads of the lines of study in the languages of national minorities of the respective faculty;
- g) vice-dean with the heads of departments of the respective faculty, doctoral school supervisors subordinate to the respective faculty, heads of units subordinate to the respective faculty and, where applicable, heads of the lines of study in the languages of national minorities of the respective faculty;
- h) head of department with the heads of subordinate units to the respective department and, where applicable, heads of the lines of study in the languages of national minorities of the respective department;
- i) head of doctoral school with the heads of units subordinate to the respective doctoral school;
- j) doctoral supervisors with the doctoral students they supervise.

(2) Any person is incompatible with the status of member in an evaluation, appeal, competition or promotion or progression committee for evaluating the professional and/or scientific activity of an employee of the higher education institution who is their spouse, relative and kin up to and including the third degree. Participating as a member in the following collective leadership structures does not generate incompatibilities under Art. 295 para. (4) of the National Education Law no. 1/2011:

- a) University Senate;
- b) Faculty council;
- c) Department council;
- d) Council for doctoral studies;
- e) Doctoral school council.

(3) Within a department as defined by Art. 133 of the National Education Law no. 1/2011, an incompatibility arises in line with Art. 295 para. (4) of the Education Law no. 1/2011, and the following positions may not be held simultaneously by persons who are in relation to each other in a position of leadership, control, authority or direct institutional evaluation at any level, teaching positions of professor, associate professor, assistant professor/lecturer, teaching assistant who carries out teaching activities related to the same subjects or teaching units (course) in the curriculum of higher education studies or postgraduate programme, respectively courses, seminars/ laboratory works associated with the subjects in the curriculum under the same department.



**Art. 21.**

In *scientific research*, integrity involves the following:

- a) accepting and indicating as authors of a work only the persons who actually created the work.
- b) in research, the avoidance of plagiarism of any kind and the observance of intellectual property rights, including those deriving from the common ownership of data where research is carried out in collaboration with a supervisor or other researchers. The validation of new discoveries based on previous research/ experiments is acceptable provided the data is confirmed and explicitly cited.
- c) acknowledging the source of an idea, an expression, a result of a previous research, regardless of whether they were published or not. This rule also applies to data taken from papers of any kind by students or doctoral students and subsequently used by a teacher in their own research;
- d) explicitly acknowledging the contribution of any person who has actually participated in a research activity. Where the contribution consisted in a supervisory or advisory activity only, a formal acknowledgement of the contribution is not required. In these cases, however, it is recommended to include a message of appreciation;
- e) the university will ensure that all categories of researchers will be able to enjoy the benefits of exploiting (if case be) the results of their research and development activity, in accordance with legal provisions, in particular through the effective protection of intellectual property rights;
- f) compliance with the purpose and the provisions for use of funds allocated to a research project. The funding that financed the research will be mentioned in the publications in which the research results are published;
- g) compliance with the principles of sound, transparent and efficient financial management and cooperation with audit bodies authorized to review the activity, regardless of whether they have been requested by employers/sponsors or by ethics commissions;
- h) compliance with the norms of ethics regarding the research carried out on human subjects or through experiments carried out with animals and of any other elements pertaining to the research ethics;
- i) scientific procedures should be restricted to those areas that benefit human, animal, and environmental health.

**Art. 22.**

The major ethical violations in conducting research are:

- a) plagiarism;
- b) failing to acknowledge, either by mentioning as author of a work, or by indicating the source, the contribution of third parties to the elaboration of a work;
- c) compelling the authors of a work to mention as authors persons that did not participate in producing the respective work;
- d) acknowledging as authors of a work persons who did not contribute significantly to its elaboration;





- e) orientation of the research activity of undergraduate students, master's students, doctoral students by the supervisor in order to obtain a personal advantage;
- f) making up results, replacing results with fictitious data;
- g) non-compliance with the conditions of confidentiality;
- h) violation of the rules set out in the previous articles.

**Art. 23.**

In the *administrative activity*, integrity involves the following:

- a) the correct practice of all processes of selection, election or appointment of the personnel to administrative offices. It is forbidden to receive, accept, request, give or offer money, goods or any other benefits or favours in exchange for any support to occupy an administrative position.
- b) fulfilling in good faith and for the benefit of the University any administrative responsibility. Using an administrative position for personal gain of any nature constitutes a breach of the obligation for integrity.
- c) Upon leaving an administrative position, the former post-holder will provide the new post-holder with all up-to-date instruments, information and items required for immediately taking up their duties.
- d) providing accurate information to the University leadership and to all structures entitled to request it.
- e) if, for any reason, a person is no longer able to properly fulfil their administrative duties, they must bring this to the attention of their superiors.

**Art. 24.**

Apart from the situations mentioned in the previous articles, a conflict of interest arises when:

- a) a person decides to award a prize or a distinction in favour of a person who is their spouse, relative up to the third degree or with whom the decision-maker has a close relationship or a contractual relationship except for the academic research contractual relations;
- b) a position opening to be filled by a person in a relationship as provided by letter a) with the head of department or subdivision where the position was approved or with a person within it who can decisively influence the outcome of the competition;
- c) a person holding several positions within the University, and the interests pertaining to each position do not converge;
- d) a person from the University employing or participating in the contractual employment of the unit they lead in favour of a company belonging in whole or in part to a person with whom they are in a relationship as provided by letter a);
- e) a student is employed or included in an internship programme at a company or other organization belonging to the examining teacher or another person as provided by letter a), or where the person holds an executive management position.

**Art. 25.**



In any situation of conflict of interest, the person concerned has the obligation to inform, preferably in writing, their superior about the existence of the conflict of interest and to refrain from involvement in any decision-making in which they would have or could create the appearance of a personal interest.

### *Intellectual honesty*

#### **Art. 26.**

In addition to integrity, honesty and fairness, Babeş-Bolyai University firmly promotes intellectual honesty characterized by an unbiased attitude of respect for intellectual property rights and copyright, as well for the proper assessment of teachers, students and all other employees.

#### **Art. 27.**

Respect for intellectual property and respect for copyright is a professional obligation, therefore any violation constitutes a serious ethical breach and will be punished.

#### **Art. 28.**

The following are considered intellectual or copyright infringements: the complete or partial transcription of excerpts or entire parts, regardless of length, of intellectual contributions, without quotation marks and without attribution thereof by specifying relevant information such as that pertaining to the author, work or other elements of identification and attribution, etc. Plagiarism by avoiding proper attribution is a serious violation of the university ethics. The ethics commission may consult with specialists from the country or from abroad in the specialized field or in the related fields of the respective work.

#### **Art. 29.**

From an ethical point of view, intellectual property and copyright are infringed when one of the rights of the copyright owner is performed by someone without the permission of the copyright owner or of the law. Infringement involves:

- a) copying texts or excerpts, regardless of their number and length, from works belonging to other authors without providing any attribution thereof;
- b) copying ideas, argumentation, data, results without giving credit to the original author;
- c) appropriating the work of other authors and passing it off as their own work, without explicit mention of the sources of these contributions, without specifying that the authorship of those contributions does not belong to them.

#### **Art. 30.**

Even if an author makes an important personal, original contribution to a particular work or paper, if it contains plagiarized elements, that do not comply with the principle of authorship, the author is in violation of the ethical norms of intellectual property.



**Art. 31.**

If a case of fraud or plagiarism is detected in writing term papers, papers or projects the examiner or teachers and researchers responsible of coordinating student activity will immediately take the necessary measures as provided by the internal regulations of the respective faculty.

**Collegiality**

**Art. 32.**

The activity in the university community implies the collaboration between its members in a spirit of collegiality and mutual respect. Collegiality implies the following:

- a) each member of the university community is expected to behave with respect and courtesy at all times. Violation of this obligation by a person does not in any way confer the right on the injured party to adopt a similar conduct;
- b) providing assistance to members of the university community, colleague substitution, providing support in teaching and administrative activity, cooperation in good faith in projects involving several people; members of the university community will not be unlawful or abuse their position when substituting a colleague; not required on an ongoing basis, only occasionally/exceptionally, under substantiated circumstances;
- c) open and respectful exchange of views between members of the university community with different ethnic, cultural, religious and linguistic backgrounds and heritage on the basis of mutual understanding and respect;
- d) empathy, respect and support for people with special needs;
- e) the obligation of confidentiality regarding all data and information provided in confidence by a member of the university community to another member. The obligation of confidentiality relating to student academic records operates within the limits established by the decision of the Senate, under the Law concerning the personal data protection.

**Art. 33.**

Breaches of the principle of collegiality include the following acts:

- a) gender, ethnic, or any other form of discrimination or harassment, use of physical or mental violence, offensive language or abuse of authority against a member of the university community, regardless of their position within the University (student, teacher or researcher, member of the University leadership, member of the administrative staff);
- b) encouraging or tolerating such behaviour as described herein by the leadership of the faculties, departments or administrative compartments;
- c) unfairly discrediting the ideas, hypotheses or research results of a colleague, without taking into account the requirements of the academic debate and the principles of critical thinking;
- d) making inconsiderate comments in front of students regarding the professional training of a colleague;
- e) making inconsiderate comments in front of students regarding the moral conduct or aspects relating to a colleague's private life;
- f) advising students not to attend a colleague's course;



- g) repeated allegations of manifestly unfounded complaints against a colleague;
- h) using and disclosing in the didactic or research activity the information provided confidentially by another colleague (personal data, life experiences, etc.);
- i) non-compliance with the confidentiality pertaining to a student's academic records, social, or medical situation.

**Art. 34.**

Regarding the examination of students, collegiality requires their prior and detailed information regarding the course objectives and requirements, evaluation methods and periods, according to the UBB student status.

*Loyalty*

**Art. 35.**

Loyalty to the University implies the obligation of each member of the university community to act in the interest of the University, to support its objectives, strategies and policies, in order to achieve its mission and enhance its competitiveness.

**Art. 36.**

Babeş-Bolyai University highly appreciates the commitment and loyalty shown by people who pursue their academic careers here, without discouraging their participation in public life or engaging in activities other than those implied by being a member of the university community.

**Art. 37.**

Breaches of the obligation of loyalty include the following acts:

- a) carrying out activities resulting in patrimonial or non-patrimonial loss of rights legally obtained by the university;
- b) performing teaching or research activities in other universities or institutions that compete with those organized by the University;
- c) advising students to drop out of University in favour of another educational institution;
- d) engaging outside the University in activities that significantly affect the time required by the teaching and research duties at the University of the respective person;
- e) engaging in activities meant to discredit the University or to affect its image and prestige.

*Justice, fairness, non-discrimination, and equal opportunities*

**Art. 38.**

Justice and fairness are values that our University promotes among its members and in relation to them by firmly rejecting any form of discrimination or exploitation, regardless of whether they are directly expressed or manifest in subtle forms.



**Art. 39.**

The following are violations of the obligations of justice and fairness: discrimination or unequal treatment of members of the university community based explicitly or implicitly on extra-professional criteria such as race, gender, ethnicity, religion, minority groups affiliation, political beliefs, personal orientations and preferences, etc. These are serious violations of the equal opportunities rights. At the same time, these extra-professional criteria cannot be used in the university community to cause reverse discrimination.

**Art. 40.**

The University promotes policies of equal opportunities, for all personnel, both in the selection process and in all stages of the career without, however, taking precedence over quality and competence criteria.

***Responsibility***

**Art. 41.**

- (1) The responsibility for complying with the provisions of this Code rests with each member of the university community.
- (2) Membership of the university community requires each member to take responsibility for their actions or oversight.
- (3) Violation of the provisions of this Code will result in disciplinary liability as stipulated by Law no. 1/2011, Labour Code and internal regulations of the University.
- (4) Researchers are accountable to their employers, sponsors or other public or private institutions involved in carrying out, supporting or monitoring the research activity.
- (5) Researchers also have a moral responsibility to society for respecting ethical principles and for the efficient use of public funding where appropriate.

**III. Procedural rules**

**Art. 42.**

Initiating and maintaining oversight of the provisions of this Code is the responsibility of the UBB Ethics Commission.

**Art. 43.**

The UBB Ethics Commission is an independent structure from the Senate and the Rector's office and operates under the National Education Law no. 1/2011, as further amended and supplemented and Law No. 206/2004 on the ethical conduct in scientific research, technological development and innovation, as amended and supplemented.

**Art. 44.**

- (1) The university Ethics Commission has the following responsibilities:
  - a) reviews and resolves allegations of violation of academic integrity, following complaints or by ex officio investigation, under the UBB Code of Ethics and Professional Conduct;



- b) prepares an annual report on the observance of the academic ethics and research ethics, which it submits to the Rector and the University Senate and which is a public document;
- c) contributes to the developing and amending of the UBB Code of Ethics and Professional Conduct, which is submitted to the University Senate for approval;
- d) the duties established by Law no. 206/2004, as further amended and supplemented;
- e) other duties provided by law or established according to the University Charter.

(2) In accordance with national regulations, the Ethics Commission investigates employee complaints based on the provisions of this Code of Ethics, including those related to possible miscommunication between senior researchers/coordinators/supervisors and novice researchers. Such procedures should provide teachers and researchers with confidential and informal assistance in the amicable settlement of disputes concerning teaching and research, in order to promote fair and equitable treatment within the institution and to improve the quality of the working environment as a whole.

#### **IV. Final provisions**

##### **Art. 45**

This Code shall come into force on the date of its approval by the University Senate. On this date any contrary provisions of the University regulations will be herein repealed.

Traducerea și adaptarea de Aura Poenar