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**RULES GOVERNING THE ORGANIZATION
AND OPERATION
OF THE ETHICS COMMISSION**

CODE RG-06

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Section I. General aspects

Art.1. Based on art. 123, par. 2 and of art. 306 of Law no. 1 of 5.01.2011, related to national education, on the Order of the Minister of Education and Research no. 4.492 of 6.07.2005 and on the **Charter** of the University, **UMPH** Iasi has drafted and is applying the present Rules governing the organization and operation of the Ethics Commission.

Art. 2. The Ethics Commission is an independent structure of **UMPH** Iasi, being organized and operating based on the Code of University Professional Deontology and Ethics and on the Rules governing the organization and operation of the Ethics Commission adopted by the Senate of **UMPH** Iasi.

Section II. Structure and operation of the commission

Art.3. The structure and composition of the Ethics Commission is proposed by the Board of Directors, endorsed by the Senate and approved by the Rector. The Commission members are prestigious persons with moral authority.


Art. 4. The Commission members are elected for a period of 4 years and such period is extended de jure until the date of approval by the Rector, via a decision, of a the new Ethics Commission. The mandate starts at the date of approval via a decision of the Rector for the structure and composition of the Ethics Commission. If one of the members is revoked or withdraws from the commission, another member will be assigned within 15 days.

Art. 5. The Ethics Commission is appointed by the Rector after checking for incompatibilities following the validation of the mandates of all members of the management structures and of all management positions.

Art. 6. No persons in the position of rector, prorector, dean, vice-dean, administrative manager, department manager or managers of research-development units or within the management structures of the University can be a member of the Ethics Commission.

Art. 7. The Ethics Commission of **UMPH** Iasi consists of 9 persons as follows:

- a. 7 (seven) teaching staff representing at least two distinct faculties or departments of the university; alternatively, one of the persons may be a preeminent member of the local community, of a NGO in the field of education or human rights or of a professional association in the field of education.
- b. 1 (one) person belonging to the secretarial/administrative staff;
- c. 1 (one) student irrespective of his/her education and level of studies (graduate, postgraduate – advanced studies, master, full-time doctoral studies).

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Art. 8. All members will submit a declaration of confidentiality regarding the activity of the commission.

Art. 9. The commission has a secretary who is not a member of the commission, appointed via a decision of the Rector for the period of the mandate of the Ethics Commission who keeps the records of the Commission documents, drafts the protocols and the other necessary documents, maintains contacts, receives/sends the correspondence.

Art. 10. The representative of the Legal Office is de jure part of the Ethics Commission, has no right to vote and endorses its decisions.

Art. 11. (1) The President of the Ethics Commission, a teaching staff, is proposed by the Board of Directors, endorsed by the Senate and approved by the Rector with the possibility for the nominalization of an acting president among the Commission members.

(2) The president of the commission leads the sessions, coordinates its activities, representing the commission in the relations with the University's management and with other institutions.

Art. 12. The presence of the members at a meeting is mandatory and the president has the right to recommend the replacement of the members cumulating 3 consecutive absences. The members may be subject for replacement by the vote of two thirds of the commission members. Such replacement proposal is addressed to the Board of Directors. The completion with new members is made at the proposal of the Board of Directors, endorsed by the Senate and approved by the Rector.

Art. 13. Within the decision mechanism, the Ethics Commission meets in each semester in ordinary session or whenever necessary at the proposal of the Rector, Senate's President, President of the Ethics Commission or of at least 3 members in an extraordinary session.

Art. 14. The commission meetings take place if 2/3 of members are present and the decision are adopted by vote based on a simple majority.


Art. 15. The University is legally responsible for to the Commission's decision and activities.

Art. 16. In order to avoid the overlapping of activities and positions, the members of the commission are forbidden to analyze and resolve a complaint which was previously analyzed and resolved within another body pertaining to the University.

Section III. Duties of the Ethics Commission

Art.17. In accordance with the legal provisions at the level of **UMPH** Iasi, the Ethics Commission has the following duties:

- (1) Drafts the Code of University Professional Deontology and Ethics to be proposed to the Senate for adaptation and inclusion in the **Charter** of the University.
- (2) Organizes, coordinates and controls the application of the norms provided in the Code of Deontology and Ethics of **UMPH** Iasi.


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- (3) Analyzes and resolves the offences against ethics based on the complaints or ex officio according to the Code of University Professional Deontology and Ethics; for this purpose, the commission organizes investigations and inquiries in order to gather data related to the cases which are the object of complaints.
- (4) Keeps the confidentiality of the identity of the complaint's author.
- (5) Makes decision based on the investigations and hearings regarding the nature of actions which are the object of the complaint. The decision and its grounds will be the subject of a case report.
- (6) Communicates the case report and the sanctioning decision to the Dean or the Rector, if applicable, for its application.
- (7) Proposes and promotes the possible modifications or amendments to the Code of University Professional Deontology and Ethics as well as to the Rules governing the organization and operation of the Ethics Commission
- (8) Makes available to the University's Senate, to the Council of University Management and Ethics (CEMU) within the Ministry of National Education, to the National Council of Ethics for Scientific Research, Technological Development and Innovation (CNESTDI) within the Ministry of Research and Innovation the information necessary to judge the appeal to the decision of the Ethics Commission.
- (9) Drafts an annual report of activities to be submitted to the Rector and to the academic community by posting on the website at the section dedicated to the Ethics Commission, thus becoming a public document. This report will be completed with conclusions and recommendations derived from the cases of the respective year proposed to the academic community and to the university's management in order to deter the causes favoring the violation of the Ethics Code. The report does not contain identifiable information keeping the confidentiality of personal data.
- (10) Other duties provided by the present Rules set out according to the **Charter** of the University or according to the law.

Section IV. Jurisdiction

Art.18.(1) The Commission has jurisdiction over all the persons who are part or have relations with **UMPH** Iasi:

- a. Students (all study types and levels, including PhD students)
 - b. Members of administration
 - c. Members of management
 - d. Teaching staff, associate professors, consultants, guests
 - e. Institutional partners
- (2) The Commission has jurisdiction over the actions committed inside the University and its campus and over the actions committed outside the university in the extent in which such actions involve the members of its own university community and related personnel.

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Section V. Filing a complaint with the Ethics Commission

Art.19. Complaints refer to actions violating the Code of University Professional Deontology and Ethics.

Art.20. The members of the Ethics Commission may open an investigation ex officio by analyzing some actions, situations or documents, issued at various levels, susceptible to violate the ethical rules and principles related to academic, research and administrative activities as well as related to other aspects of university life.

Art. 21. The right to file a complaint with the Ethics Commission for cases related to offences via a written complaint is conferred to:

- University’s Senate, Board of Directors and any structure within the University
- Any member of the academic community.
- Any persons outside of the University, if there are complaints in connection with the behavior of a member of the academic community having a mandate.
- Any person belonging to or outside the University if the complaint refers to plagiarism based on accurate data and information supporting such affirmation.

Art. 22. The Ethics Commission will not discuss or analyze complaints without support proof.

Art. 23. Any person within the University or outside the University may request counseling to the Commission in matters of potential violations of the rules of conduct of **UMPH** Iasi.

Section VI. Process for the resolution of complaints

Art.24. Following a complaint, the Ethics Commission initiates the procedures set out in the Law no. 1/2011, Code of University Professional Deontology and Ethics and in the Law no. 206/2004 with **subsequent amendments and additions**.


1. Receiving complaints

Art.25. The complaints are submitted within 30 days from the events which are the object of the complaint except plagiarism or scientific fraud cases for which there is not time limit.

Art. 26. Anonymous complaints are not subject to the analysis of the commission except those related to plagiarism or scientific fraud and which are accompanied by relevant documents.

Art. 27. The complaints can be made by any person, members of the academic community or not, if the accused persons are members of the academic community.

Art. 28. The complaints are received by the University’s Registrar in a closed envelope. The Registrar issues a registration number and the complaints are recorded by the secretary of the Ethics Commission.

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Art. 29. (1) The closed envelopes are opened by the secretary of the Ethics Commission.

(2) The summoning of the members and the legal adviser is made by written address or email with at least 3 days before the date set for the meeting by the secretary who will communicate the necessary documentation to the members and guests.

Art. 30. The Ethics Commission discusses the validation of the complaint received within 7 days from its registration date. The Commission has the right to reject the complaint based on solid grounds at the start of the investigation procedure, otherwise, the procedure follows the phases described in these Rules. The rejection decision together with its grounds are informed to the person who made the complain within 30 days from submission.

Art. 31. The complaints are made in writing and include as many relevant data as possible related to the identity of the person who made the complaint (including contact data), the identity of the accused person, the actions blamed, the date and place of committing such actions, the possible witnesses, any other information considered to be relevant; on request, the secretary shall provide counseling regarding the drafting and completion of the complaints.

2. Notification of the party who is the subject of the complaint


Art.32. If the Ethics Commission decided to validate the complaint, the accused party will be notified about the complaint in order to elaborate a written position related to the actions. In the notification addressed to the accused party, the Commission will specify the contents of the complaint, the nature of requested information and will invite the party to express his/her possible objections regarding the ability of the Commission members to judge the respective case (conflicts of interest etc.).

Art. 33. The absence of a written position and generally the lack of cooperation from the accused party will not hinder the running of the future proceedings. Failure to be present at hearings without informing the commission means that the accused party does not exercise his/her right to a defense as the Ethics Commission may take decisions accordingly.

Art. 34. The summoning of the parties is made in writing based on the signature of the President of the Ethics Commission as the prior summoning of the Ethics Commission in its plenum is necessary which will discuss the validation of the complaint according to **art. 30** and, if applicable, will inform the accused party about the anonymized complaint in order for he/she to prepare his/her defense.

Art. 35. The summoning is made with at least 7 days before the date of the meeting, in writing, at the address of the office/discipline, in a closed envelope in order to maintain confidentiality. If the parties wish but cannot be present due to objective reasons, they may request a modification of the hearing date. The second summoning date can be set out anytime after submitting the complaint and the new data will be informed in writing by at least 3 days beforehand.

Art. 36. If the accused party confesses his/her actions related to the complaint, the Commission may take a decision based on the complaint and the written position of the accused party.

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Art. 37. The Ethics Commission may summon in addition, for the resolution of the case, any other person as witness considered to have relevant information.

Art. 38. The presence at hearings is mandatory for the claimant, accused party or witness if the Commission considers that the resolution depends on the hearing of the person in question, making an express mention about the compulsoriness of presentation in the summoning address to the hearing. In such cases, the failure to be present or the lack of cooperation with the Commission may be considered an act of indiscipline and is sanctioned as such.

3. Investigation of the case. Data collection. Hearing of the parties

Art. 39. In order to ascertain the nature of the actions and the extent in which they are offences or debatable actions in the way of the Code of University Professional Deontology and Ethics, the Ethics Commission will carry out an investigation including by interviewing the witnesses, hearings and, if necessary and if the claimant and the accused party both agree, by the confrontation of the parties.

3.1 Hearing of the parties

Art. 40. After collecting the relevant information, the Ethics Commission, if it considers necessary, will request the separate hearing of each of the parties in order to communicate the information gathered following the investigations for verification and to obtain the position of the parties. If the meeting is not possible, the Commission will communicate the information in writing and will request the parties a written position.

3.2 Confrontation of the parties

Art. 41. After the separate hearing of the parties, the Commission may propose their direct confrontation. Such confrontation takes place only if the parties both agree and if such confrontation is considered necessary for the evolution of the respective case.


3.3 Running of works/meetings of the Ethics Commission

Art. 42 The Ethics Commission may carry out the hearings in the plenum or may set work commissions to lead the hearings. However, for all cases, the final decision is taken in the plenum of the Ethics Commission.

Art. 43. At the beginning of the hearings, the members of the Ethics Commission will be present and the claimant and the accused party may address the potential conflicts of interest.

Art. 44. The persons subject to the hearings, the claimants, the accused parties, the witnesses or the persons invited for the hearing benefit from confidentiality for the entire period of investigations and works. Such persons may come accompanied by a person provided legal counseling during the investigations.

Art. 45 The persons subject to the hearings may refuse to answer the questions of the Commission without disciplinary repercussions when the information to be provided will lead to the creation of a prejudice to him/herself.

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Art. 46 Any member of the Commission may ask questions.

Art. 47. The persons subject to the hearings have the right to make their own defense in the form as they consider adequate.

Art. 48. Using a vulgar, aggressive or threatening language, perjury to the Commission members or academic community is considered a serious offence and the Ethics Commission may open a separate investigation for this matter.

Art. 49. The Ethics Commission may record the hearing if the persons involved gave their consent in this matter.

Art. 50. The claimant or the accused party may request the recusation of one or more members of the hearing commission or may request based on solid grounds that certain members of the Ethics Commission have to abstain from deliberation on this case. The final decision in this regard belongs exclusively to the plenum of the Ethics Commission which decides by a simple majority if the recusation request or abstention is admitted.

Art. 51 For each meeting of the commission, a protocol/minute is drafted by the commission secretary, a document which will be signed by all the commission members who attended the meeting.

3.4 Communication with the parties

Art. 52. During the entire investigation, the Commission may request the parties, in writing or verbally, information or clarifications regarding the details of the case.

3.5 Reconciliation of the parties


Art. 53 If the Commission considers that the nature of the issue allows or needs the reconciliation of the parties, on an amiable way, such solution will be proposed to the parties and the commission will acknowledge their reconciliation. The reconciliation leads to the resolution of the litigation.

3.6 Auxiliary procedures

Art. 54. If the investigation renders necessary an expertise, the Ethics Commission may request the evaluation of some documents by an independent expert.

Art. 55. Given the complexity of the cases and the volume of documents subject to expertise, the Ethics Commission may request to the expert the results within variable terms but such terms cannot exceed 15 days.

Art. 56. The President of the Ethics Commission may propose to the members of the Commission to use an evaluation expert whose identity shall not be made public. If the members agree with such procedure based on a majority, then the President will inform the Rector and the President of the Senate who will confirm the appointment of the expert. The Evaluation Report will not be signed by

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the evaluator but only by the President of the Ethics Commission, by the Rector and the President of the Senate for the certification of authenticity.

Art. 57. The Ethics Commission may make available to the parties the report of evaluation / expertise and may opt for its discussion together with those involved. The Ethics Commission is not bound by such procedure as it may deliberate without a new appearance before the commission if it does not consider relevant the new information.

3.7 Final deliberation

Art. 58 The Ethics Commission meets in a quorum of at least 2/3 of its members in order to take a decision.

Art. 59. A new meeting is not mandatory for simple cases when a decision can be made at the first appearance before the commission.

Art. 60. The president of the Ethics Commission presents the case and discusses it with all the Commission members.

Art. 61 The legal adviser has the obligation to inform the commission about the legal issues arising from the application of some sanctions and the prospective impossibility for their application.

Art. 62. The decision is made by a simple majority of those present.

Art. 63. The final report will include a short presentation of the case, the expertise procedures and, in the end, the conclusion of the Ethics Commission together with the sanction.

Art. 64. The sanctions set by the Ethics Commission are applied by the Dean or the Rector, if applicable, within 30 days.

3.8 Suspension of the procedure

Art. 65. (1) The legal periods of annual leaves associated with the student holidays and provided in the academic calendar are not taken into account and represent exceptions to the legal provisions regarding the calculation of the terms. The summoning of the Commission is done in the first week from the date of resuming the academic activity.


(2) The procedure is suspended if the resolution of case depends on an expertise report or on the point of view expressed in writing by a specialty commission / service of the university.

(3) The term for the suspension of the procedure according to paragraph 2 starts from the date of notification of the expert / specialty commission / service and cannot exceed 15 days.

(4) After the suspension term has passed, the resolution term of 30 days starts to run.

4. Report of the Commission

Art. 66. The Commission will draft the report based on the collected data and hearings or the confrontation of the parties within 45 days from the complaint including the suspension term, if applicable.

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Art. 67. Before the communication of the case report to the Senate, which is the decision-maker for the resolution of **appeals**, a copy of this report will be sent to each of the parties.

Art. 68 The case report will include the findings related to the nature and accuracy of the actions and of other relevant actions. The findings will be based on solid grounds according to the evidences obtained by the Commission following the investigations and hearings. Based on this, the Commission will make a decision related to the extent in which the actions represent or not a violation of the Code of Ethics.

Art. 69. If the Commission finds out a violation of the Code of Ethics, the Commission will forward the report to the prerogative bodies for the application of the sanctions.

5. Appeal

Art. 70. The claimant and the accused party may appeal the Commission decisions within 15 days from their communication to the University’s Senate which is the decisional body in this case. The **appeal** will be submitted in writing to the University’s Registrar.


Art. 71. The decision of the Senate by which the **appeal** was solved may be appealed to the Council of University Management and Ethics within the Ministry of National Education and Scientific Research. The situation of the party cannot be exacerbated by its own remedy at law.

Art. 72. The commission will give its full support to the bodies analyzing the appeal including by making available the report, the documents based on which it was drafted and any other relevant documents.

Section VII. Rights and obligations

Art.73. Rights of the claimant:

- a) To benefit from confidentiality. If, during the procedures, the disclosing of his/her identity to third parties is absolutely necessary, the claimant will have to agree in this matter. If the claimant refuses, the procedures will go on without the disclosure of his/her identity in the extent in which this is possible. If the investigation cannot continue without such disclosure and the claimant refuses to agree, the case will be closed.
- b) To be counseled regarding the submission of a correct complaint
- c) To receive a registration number for his/her complaint
- d) To be represented in front of the Commission accompanied by a representative if so desires (layer, colleague etc.)
- e) To know the composition of the case team and to contest, before the start of the investigation, the ability of its members to make correct decision derived from a potential conflict of interest.
- f) To make written complaints and to have meetings with the Commission members related to the case
- g) To receive a copy of the final report

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h) To make an appeal against the Commission decision and against the Senate’s decision.

Art.74. Rights of the accused party:

- a) To be present in front of the Commission accompanied by a representative if so desires (layer, colleague etc.)
- b) To be informed about the composition of the case team and to contest, before the start of the investigation, the ability of its members to make a correct decision
- c) To receive a copy of the final report
- d) To make an appeal against the Commission decision and against the Senate’s decision.

Art.75. Confidentiality

- a) The access of third parties to the case file during the investigation will be forbidden except for the legal representatives of the parties and when the actions are subject to an official investigation of the authorized state bodies.
- b) After the resolution of the case, the access of third parties to the file will be forbidden with the following exceptions:
 - The Party and its legal representatives if an appeal is made
 - Members of the appeal body
 - Authorized state bodies when the actions are subject to an official investigation
 - Researchers, excluding academic research and by observing strict standards of confidentiality.

Art. 76. Commission archive

The Commission Secretary is responsible for keeping all the data collected in the case files either such cases were solved or not.

The Commission will keep the files for a period of 10 years in an adequate place made available by the management of the higher education institution.


Art. 77. Conflicts of interest

- a) If the claimant or the accused party requests the exclusion (recusation) of a member of the Commission from the trial and investigation of the case due to a conflict of interest, such member will be allowed to withdraw from the investigation.
- b) Otherwise, the Commission will decide by vote with a simple majority regarding his/her ability to judge and investigate the case. In case of recusation, the recused member of the Commission will not be part of the team case and at the vote for the case report.

Section VIII. Decision mechanism

Art. 78. The Commission meets once a semester in January and June in ordinary session and whenever necessary in extraordinary sessions.

Art. 79. The commission meetings take place if 2/3 of the members are present and the decisions are adopted by the majority of those present.

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Art. 80. The Commission meets in extraordinary sessions within 7 days from the submission of the complaint.

Art. 81. For urgent complaints, at least one member of the Commission must take the case as an emergency. When receiving the complaint, the President of the Ethics Commission will appoint the person(s) responsible in taking over the case.

Art. 82 The decisions of the Commission including the selection of the teams for the analysis of cases, approval of case report and sanctions are taken by a simple majority of votes.

Art. 83. The evaluation of complaints, the investigations and the hearings are carried out by teams of at least three members appointed by the Commission at its meetings. Among the members, at least one is female, one is male, one member is a student and one member belongs to the teaching staff. The Ethics Commission may decide the investigation of the case and the hearing of the parties in the plenum of the Commission without appointing an analysis team.

Art. 84. The case report and the proposals for sanctions are made by the members of the analysis team for the case and are approved within the quorum.

Art. 85 The final report will include the position statements of the other members of the Commission if they exist, either individually or as a common position.


Art. 86 None of the Commission members may be hindered to be part of the quorum or of the investigation teams except the cases in which the investigated case determines an obvious conflict of interest.

Section IX. Sanctions

Art.87. The offences related to academic activity and the ethics within scientific research are defined in the Code of University Professional Deontology and Ethics and are sanctioned depending on the severity of the offences, on the real and personal circumstances in which the offence was committed, in accordance with the law in force and the provisions of the Code of University Professional Deontology and Ethics.

Art.88. The sanctions that may be applied to the teaching staff and the research staff by the Ethics Commission for the ethical violations or for offences against the norms of conduct are the following:

- a) Written warning;
- b) Basic wage cut, cumulated, if applicable, with the management, training and control indemnity
- c) Pending for a definite period of time the right to enroll for a test to occupy a higher academic position or management, training and control position, as a member to a doctoral, master or bachelor commission;
- d) Dismissal from a management position

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- e) Termination of the employment agreement due to disciplinary reasons by observing the provisions of the Labor Code.

Art.89. The sanctions that may be applied by the Ethics Commission to students and PhD students for the breach of the Code of Ethics are the following:

- Written warning
- Pending the right to scholarship for a variable period of time (1 month – 1 year) depending on the severity of the actions
- Pending the right to attend 2 (two) consecutive sessions of examination;
- Expulsion
- Other sanctions provided by the Code of University Professional Deontology and Ethics.

Art.90. For violations of the provisions of the Code of University Professional Deontology and Ethics, the Ethics Commission sets out a single sanction provided at **art. 88 or 89** according to the Code of University Professional Deontology and Ethics.

Art.91. The sanctions set out by the Ethics Commission are applied by the Dean or the Rector, if applicable, within 30 days.

Section X. Funding. Remuneration of the members of the Ethics Commission

Art.92. Covering the expenses related to the operation of the Ethics Commission is done from the funds of **UMPH** Iasi based on a decision of the Rector.


Art.93. For the activities carried out outside the basic norm, the members of the Ethics Commission may be remunerated by the our, prizes, additional hours, scholarships, if applicable, according to the law. For the students, prizes or scholarship may be given according to the law.

Section XI. FINAL PROVISIONS

Art.94. The approval of the Rules governing the organization and operation of the Ethics Commission is made by the Senate of **UMPH** Iasi by open vote based on a simple majority.

Art. 95. The modification of the current Rules will be carried out by the Senate of **UMPH** Iasi by open vote based on a simple majority.

Approved by Senate Decision no. _____ of _____

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ANNEX 1**DECLARATION**

I, the undersigned, _____, born on _____, in _____, son (daughter) of _____ and _____, PIN _____, with the domicile at _____, an employee of the “Grigore T. Popa” University of Medicine and Pharmacy of Iasi within _____, as _____, hereby declare that I am aware of the legal provisions related to the protection of personal data and I agree to keep the confidentiality of personal data whose processing I carry out under legal conditions by the virtue of my work duties during and after processing such data.

I am aware of the fact that any breach to the rules related to the protection of personal data results in administrative, disciplinary, material, civil or criminal liability proportional the severity of the actions according to the law.

Date _____

Signature _____