

CODE OF ETHICS AND DEONTOLOGY OF THE POLITEHNICA UNIVERSITY OF TIMISOARA

CAP. I. GENERAL PROVISIONS

Art. 1.

The Code of Academic Ethics and Deontology of the Politehnica University of Timisoara (hereinafter referred to as UPT) is based on:

- a. Law 1/2011 – National Education Law
- b. Law 206/2004 on good conduct in scientific research, technological development and innovation, as amended and supplemented;
- c. Law 319/2003 on the status of the research-and-development staff;
- d. Law 8/1996 on the protection of copyright and related rights, updated;
- e. Government Ordinance 57/2002 on scientific research and technological development
- f. Government Decision 681/2011 – Code for doctoral studies
- g. Ordinance of the Ministry of Education, Research, Youth and Sports 3666/2012 on the endorsement of the Code for rights and obligations of the student
- h. The Charter of the Politehnica University of Timisoara
- i. Internal regulations of the Politehnica University of Timisoara

Art. 2.

The terms used in this Code are to be defined as follows:

- a. *The UPT Academic Community*: it is made up of teachers with main employment contract within the UPT, associated teachers, invited teachers, lecturers, researchers, auxiliary teaching staff, auxiliary research staff, students in university and post-graduate studies and personalities to whom the UPT has awarded the Honorary Professor / Doctor Honoris Causa titles;
- b. *UPT Community*: it is made of the academic community and the non-teaching staff;
- c. *Public interest*: That interest which involves the UPT guaranteeing and respecting the legitimate rights, freedoms and interests of citizens, as recognized by the Constitution, internal legislation and international treaties to which Romania is a party, as well as the performance of its duties of service, respecting the principles of efficiency, effectiveness and cost-effectiveness of resource spending;
- d. *Private/Personal interest*: the possibility of claiming a particular conduct, with a view to the realization of a future and predictable right, which is part of the assets of a lawful subject;
- e. *Conflict of interests*: A Member of the UPT community shall have a conflict of interest when, by virtue of their position/post, they make a decision or participates in the making of a decision in respect of which they also have a personal interest. The conflict of interest arises where the interests of the public official as a private person influence or could unduly influence the fulfilment of official/professional obligations and responsibilities;
- f. *Incompatibility*: When a person in the UPT simultaneously holds two or more offices, the combination of which is prohibited by law;
- g. *Bullying*: degrading, intimidating or humiliating behaviour which pursues or leads to the impairment of a person's ability to perform his or her professional and study activities naturally or to exercise his or her rights;
- h. *Engineering of results or data*: reporting fictitious results or data that are not the actual result of an research and development activity;

- i. *Falsification of results or data*: selective reporting or rejection of unwanted data or results; manipulation of representations or illustrations; alteration of the experimental or numerical apparatus to obtain the desired data without reporting changes made;
- j. *Plagiarism*: The display in a written work or oral communication, including in electronic form, of texts, phrases, ideas, demonstrations, data, assumptions, theories, results or scientific methods extracted from written works, including in electronic form, of other authors, without mentioning this and without referring to the original sources;
- k. *Self-plagiarism*: the display in a written work or oral communication, including in electronic form, of texts, phrases, demonstrations, data, scientific assumptions, theories, results or methods extracted from written works, including in electronic form, of the same or the same authors, without mentioning this or referring to the original sources.

Art. 3.

This Code is applicable to all members of the UPT — students, teachers, researchers, auxiliary and non-teaching staff.

The provisions of this Code shall be interpreted in accordance with legal provisions and in accordance with moral and ethical rules and principles.

Art. 4.

The University Code of Ethics and Professional Deontology is intended to operate as a moral contract between members of the UPT community — students, teachers, researchers, auxiliary teaching staff, non-teaching staff — as a tool for shaping the academic community in a spirit of ethical principles and values, contributing to the establishment of an academic climate based on cooperation and fair competition and thereby to the enhancement of the prestige of the UPT.

CAP. II. PURPOSE AND OBJECTIVES

Art. 5.

The University Code of Ethics expresses the ideals, principles and moral norms that members of the university community agree to respect and follow in their professional activity. It sets out the main lines of ethical conduct that the UPT Community undertakes to follow.

Art. 6.

In accordance with the mission and objectives of the Politehnica University of Timisoara, the University Code of Ethics and Professional Deontology undertakes a triple functionality:

- *regulation* of the rules of professional and moral conduct necessary to achieve social, professional and ethical relations, appropriate to the creation and maintenance of the high-level prestige of the university;
- *creating* a climate of trust, respect and dignity, cooperation and fair competition between members of the academic community and between members of the academic community and the general public;
- *promotion and expression* of academic values and principles in relation to the public interest which the UPT serves, in order to ensure the institutional cohesion of all persons involved in educational activity, the transferability of such principles into society and the provision of quality educational services, with dignity, tolerance, dialog and respect for human rights and fundamental freedoms.

Art. 7.

The major objectives of this Code are:

- a. to provide members of the UPT community with ethical references which include both mandatory and desirable rules;
- b. informing members of the UPT community of the professional conduct they must adopt/demand;
- c. increase ethical awareness and thinking in the professional and interhuman relations of members of the UPT community;
- d. create a climate of trust and mutual respect between the members of the UPT community;
- e. prevent unfair practices/conduct that may harm institutional relations and the image of the University;
- f. ensure that the institutional activity and actions of each person in the UPT are carried out with professionalism, independence, impartiality, honesty and fairness;
- G. to serve as a support for preventing and sanctioning any violation of the rules and principles promoted by the UPT.

Art. 8.

The University Code of Ethics and Professional Deontology does not replace the law or other codes and regulations. The provisions of this Code should not be interpreted as restricting rights conferred by law or by the collective work agreement. The Code of Ethics and its application do not exclude or replace the legal rights and obligations of the members of the UPT community. It links purely contractual relations with trust, attachment and responsibility and protects the members of the UPT community from unfair, dishonest or opportunistic behaviour.

Art. 9.

The individual employment contract and the individual study contract will include a clause stating that the employee or student has become aware of the Code of Ethics and undertakes, under their own signature, to comply with its provisions.

Cap. III. PRINCIPLES OF THE CODE OF UNIVERSITY ETHICS AND DEONTOLOGY

Art. 10.

The principles promoted by the Code of Ethics and Deontology of the UPT and governing the conduct of the members of the UPT community shall be:

- a. *The primacy of the Constitution and the law*, which is a principle that members of the UPT community have a duty to respect the Constitution and laws of the country;
- b. *The priority of the public interest*, principle according to which members of the UPT community have the duty to consider the public interest above the personal interest, in the performance of their duties arising from their role in the UPT;
- c. *Justice and fairness* guarantee that members of the UPT community will be treated fairly and equitably, not allowing discrimination, exploitation or abuse of power. The UPT advocates for non-discrimination and equal opportunities for access to studies and employment, for the elimination of conflicts of interest, for the prevention and combating of any form of corruption, favouritism and nepotism;
- d. *Professionalism*, principle according to which members of the UPT community are obliged to carry out their activities at the University with responsibility, competence, efficiency, fairness and conscientiousness;
- e. *Impartiality and independence*, whereby members of the UPT community, in exercising their role, are obliged to have an objective, neutral attitude toward any political, economic, religious or other interest;

- f. *Loyalty* - is expressed by the employee's attachment to the institution and the values promoted by it, conscious adherence shown on the employee's own initiative, to the objectives of the institution, respect for the hierarchy of the institution, honesty in interpersonal relations, respect for truth and justice, conscience in fulfilling obligations, respect for commitments entered into, ensuring the confidentiality of the information obtained;
- g. *Moral integrity*, a principle whereby members of the UPT community are prohibited from directly or indirectly asking for or accepting, for themselves or others, any advantage or benefit in consideration of their position or from abusing in any way that function;
- h. *Honesty and fairness*, which is a principle that in the exercise of the role held in the University and in the performance of the duties of the UPT community, the members of the UPT community must be in good faith;
- i. *Transparency* creates the prerequisites for equal opportunities in competition and equitable access to university resources. The UPT shall respect the principle of transparency of all categories of information of interest to members of the UPT community, in accordance with the law.
- j. *Freedom of thought and expression*, according to which members of the UPT community may express and substantiate their opinions, in compliance with the rule of law and good morals. The right to free expression of opinions shall not be jeopardized in any way.
- k. *Academic freedom* - is the recognition and guarantee of any member of the academic community of the UPT to freely express academic opinions within the university space, freedom of teaching, research and creation, in accordance with academic quality criteria, with the limitations set by law and by the internal regulations of the UPT. UPT is a space free of political, economic or religious interference, pressure and constraints, except for legal, ethical and scientific constraints.
- l. *The exercise of personal autonomy* within the university perimeter is the ability to make informed individual choices regarding study and research programs, university career paths, opportunities, level of recognition the person wishes to access, in accordance with legal and institutional provisions and with respect for the rights and freedoms of the other members of the community.
- m. *Respect* manifests itself in the consideration that a Member of the UPT community grants to other members of the community - students, colleagues, superiors, subordinates, but also to third persons, their rights and freedoms, institutions, laws, social values, and ethical norms;
- n. *Collegiality, generosity and humanity* must be manifesting themselves in interhuman relationships within and outside the university perimeter. This creates a climate of security and confidence in the UPT Community, of peer support, solidarity and compassion to overcome difficult times, of sympathy and moral or material support in crisis situations.
- o. *Decency and elegance* are recommended in both the behaviour and clothing of all members of the UPT community. This eliminates / reduces excesses of any kind, unsuitable for an academic environment.

Such principles must be effectively applied by each Member of the UPT community, through the practical actions they carry out, and it is not enough for these principles to exist only at the declaratory level.

CAP IV. RULES OF CONDUCT. DEVIATIONS.

Art. 11.

The Code of Ethics and Professional deontology includes:

- **mandatory rules**, the failure to comply with which entails liability and
- **desirable rules**, the non-compliance of which does not lead to a sanction entailing legal consequences. A breach of desirable rules may be followed by a warning to the person concerned, with regard to their obligation to comply with both mandatory and desirable rules.
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4.1. MANDATORY RULES

Art. 12.

The mandatory rules are the rules for the respect of: justice and fairness, academic freedom, personal autonomy, personal value (merit), morality and integrity, honesty and correctness, professionalism and responsibility, transparency, loyalty to the UPT.

The exercise of the role of Member of the UPT community, while avoiding conflict of interest and respecting the legal regime of incompatibilities, is also a mandatory rule.

4.1.1. JUSTICE AND FAIRNESS

Art. 13.

Justice and fairness guarantee that members of the UPT community will be treated fairly, correctly and equitably at university, not allowing discrimination, exploitation or abuse of power.

The UPT advocates for non-discrimination and equal opportunities for access to studies and employment, for eliminating conflicts of interest, for preventing and combating any form of corruption, favouritism and nepotism, in the framework of university activities and converging activities.

Art. 14.

The Politehnica University of Timisoara does not discriminate on grounds of age, ethnicity, sex, social origin, political or religious orientation, sexual orientation or other types of discrimination, with the exception of affirmative measures provided for by law.

All members of the UPT community shall enjoy equal treatment from the UPT, any direct or indirect discrimination being prohibited.

Equal opportunities are based on ensuring participation – within the limits of the competences of each role in the UPT – in the activities of the University, without distinction between ethnic origin, sex, religion, age, disability or sexual orientation.

Art. 15.

The abuse of power in this section is an action/inaction by a member/group of the UPT community, which, making use of their authority (institutional, hierarchical, moral) imposes certain rules/conduct on another member of the UPT community, with a discretionary behaviour and with the aim of limiting the rights and freedoms of the person.

Art. 16.

Members of the UPT community are obliged to examine and apply objectively the criteria for assessing professional competence, excluding any form of favouritism, nepotism and discriminatory treatment or acts of persecution or vengeance.

To this end, discrimination through the use by any member of the UPT community of practices that violate equal opportunities law shall be prohibited, but not limited to:

- organizing competitions or examinations;
- the selection of candidates for filling vacancies;
- entering, suspension, modification and/or termination of the legal employment relationship;
- establishing or modifying the duties in the job description;
- the determination of remuneration and rewards or benefits other than wages;
- information and counselling, professional development;
- assessment of individual performance;
- professional promotion;
- the application of disciplinary measures;

- the right to freedom of association, including the right to join the trade union and access to the facilities granted by it.

Art. 17.

For the purposes of this section, ethical misconduct shall include the following, in so far as it does not constitute criminal offenses, discrimination, disciplinary misconduct:

- a. a differentiated action/inaction based on a subjective criterion which prejudicates a legitimate right or interest;
- b. the discretionary/abusive exercise of the authority of a member of the UPT towards another member of the UPT, where the act is liable to create material or moral harm or to limit the exercise of the rights and interests protected by law and the rules of the UPT;
- c. abuse of authority.

4.1.2 ACADEMIC FREEDOM

Art. 18.

Academic freedom is an essential principle underpinning the organization of teaching and research activities. This principle is based on the idea that everyone should be treated as being able to form on the basis of their own judgments, opinions, convictions and projects.

The UPT shall be organized and operated independently of any ideological, political or religious interference.

UPT is a space free of political, economic or religious interference, pressure and constraints, except for legal, ethical and scientific constraints. The UPT Community shall be protected from censorship, persecution or manipulation under the conditions of legality.

Art. 19.

The exercise of academic freedom within the meaning of this Code shall mean:

- the right of members of the academic community of the UPT to freely express academic opinions;
- freedom of teaching, research and creation, in accordance with academic standards and legal provisions;
- encouraging a critical approach based on well-substantiated scientific opinions. Conflicting data, differences in experimental design or practice, differences in data interpretation, differences of opinion are factors specific to academic freedom and do not constitute deviations from this Code;
- the right to publish studies, articles, volumes, works, to apply for national and international grants, restrictions being only those expressly provided for by the law and the regulations of the UPT;
- Students are guaranteed the right to free choice of courses and study programs, in accordance with the applicable legal rules, the UPT regulations and the curricula;

At the same time, each member of the UPT community must respect the freedom of others and differences of opinion, accept intellectual partnership and cooperation, regardless of political opinions or religious beliefs.

Any member of the university community may freely express, within or outside the university, opinions based on their professional competence, without any censorship, manipulation or persecution, provided that they comply with scientific, legal and ethical standards.

Art. 20.

The exercise of academic freedom under this Code shall be carried out in accordance with the following principles:

- objectivity
- opening
- lack of indoctrination

- professionalism

It is prohibited to manipulate, indoctrinate and unfairly criticize within the university space and thereby infringe the right of members of the academic community of the UPT to objectivity in research and educational activities.

Every member of the university community must avoid harming the fundamental rights and freedoms of others.

The exercise of academic freedom within the above limits cannot constitute grounds for penalty.

Art. 21.

For the purposes of this section, ethical misconduct shall include the following, in so far as it does not constitute criminal offenses, discrimination, disciplinary misconduct:

- propaganda of a political nature carried out within the university or using its infrastructure;
- religious proselytism;
- promotion of doctrines or ideas of an extremist, racist or xenophobic character;
- manipulation and indoctrination;
- unfounded criticism of views, theses, works, etc. expressed by a member/members of the UPT academic community.

4.1.3. PERSONAL AUTONOMY

Art. 22.

The exercise of personal autonomy within the university is the opportunity to choose individually, within the scope of the UPT's offer, study and research programs, university career paths, opportunities and the level of recognition that the person wishes to access.

To this end, consent shall be given to programs, competitions and study and research opportunities, and opportunities shall be provided for each member of the UPT community to take and apply decisions on their academic and professional careers.

Art. 23.

The carrying out of teaching and research activities by the University's own teaching and research staff in other higher education or research institutions may happen only with the written consent of the UPT Senate.

Art. 24.

For the purposes of this Section, the following are deviations from ethics:

- the carrying out of teaching and research activities in other higher education or research institutions by the University's own teaching and research staff without the written consent of the UPT Senate;
- Deliberately and directly concealing the data and information needed by a member of the UPT community to make an informed individual choice of study and research programs, university career paths, opportunities and the level of recognition they wish to access;
- Deliberate and direct concealment of the data and information required by a member of the UPT community in order to perform their duties.

4.1.4. VALUE OF PROFESSIONAL AND INSTITUTIONAL PERFORMANCE (MERIT)

Art. 25.

Personal value (merit) is the only qualitative ranking criterion accepted in the UPT. This type of hierarchy is defined by the Quality Evaluation and Assurance Commission in cooperation with the departments, faculties and the Human Resources Commission of the UPT Senate.

Art. 26.

In the case of students, personal value is expressed by grades / average marks and the percentage of transferable credits accumulated from those required for their academic year.

Art. 27.

In the case of teachers, personal value shall be determined having regard to: the quality of teaching activities, the backing-up of their subjects with teaching materials created by themselves, scientific publications, student mentoring activities, research grants, contracts with the business and economic environment, assessment by students, participation in administrative activities within their own department, faculty, etc.

These criteria set out by way of examples are criteria which should be taken into account in the competition procedures and methodologies, the award of merit bonuses, the maintenance of the position within the UPT, etc.

Art. 28.

Responsibility for standards of merit assessment and enforcement lies with the Quality Evaluation and Assurance Commission, the Board of Administration of the UPT, the faculties and departments.

The role of the UPT's Ethics Commission is to intervene, based on referral or self-referral, if it finds that these structures do not ensure that the principle of merit is applied in planning and evaluating university activities.

Art. 29.

For the purposes of this Section, deviations from ethics may be:

- granting legal benefits to UPT staff with non-compliance/ignorance/partial and truncated application of the criteria set by law and the internal rules of the UPT;
- submission by candidates of false/out of context/without legal or evidentiary information, able to vitiate decisions, in the framework of an evaluation/contest/validation/recognition procedure of academic and/or professional merits;

4.1.5. MORALITY AND INTEGRITY

Art. 30.

Morality is a major ethical requirement that the UPT requires to all members of the UPT community, both within and outside the university. This means a firm position on fighting corruption and avoiding situations that may involve corruption, as well as on the existence of any form of harassment.

Upstanding conduct relates to both professional and personal integrity, professional integrity being an element of personal integrity.

Personal conduct can sometimes be so scandalous as to discredit the profession.

This Code considers that the following are characteristics of an upstanding conduct:

- honesty, truthfulness, sincerity;
- treating others on the same basis without preconceptions or preconceived ideas;
- compliance with legal and institutional provisions;

- considering the public and institutional interest to be above the subjective personal interest;
- consistency.

Art. 31.

Corruption is seriously vitiating the university climate. It generates unfair treatment, injustice and favouritism, it creates distrust. The UPT firmly commits to institutionally and severely sanction any acts of corruption, both explicitly, through bribery and bribery attempts (in money or services), and implicitly through trafficking in influence of exams or contests/procedures of any kind.

Art. 32.

In order to avoid any suspicion of corruption, the following measures must be taken (without limitation):

- accurate and timely information on the criteria for admission and of any kind of competition;
- ensuring the full transparency of the evaluation system;
- compliance with all the time limits imposed for any type of competition and with the examination data, except in particular circumstances which may arise and which must be communicated within a reasonable time;

4.1.6. HONESTY AND FAIRNESS. RULES OF CONDUCT IN RESEARCH AND DEVELOPMENT

Art. 33.

Honesty and fairness in the university ethics of the UPT mainly concerns the right to intellectual property.

Recognition and benefits belong only to those who are the source of an intellectual property achievement: scientific papers/reports, books, inventions, doctoral theses, dissertations, diploma projects, etc. All those who participated in the various stages of the research whose results become public must be mentioned, in the spirit of professional honesty, validation and recognition, in compliance with the performance criteria of the UPT.

Honesty and fairness also refers to the obligation for the members of the UPT community to submit data and information that is correct and in accordance with reality in any procedures in which they participate or to any legally established persons/bodies in the UPT and who are entitled to request it in the exercise of their tasks/competences.

This sub-chapter details the standards of good conduct in scientific research, technological development and innovation activities, in accordance with the provisions of Law No 206/2004.

Art. 34.

Respect for intellectual property and respect for copyright is a professional obligation. Its violation is a serious ethical violation and will be sanctioned.

Art. 35.

Any form of intellectual fraud is prohibited: plagiarism or self-plagiarism, copying to examinations or other forms of verification of knowledge, substitution of works or persons examined, deliberate distortion of the results of research, undeserved appropriation of scientific/technical achievements, etc.

Art. 36.

There may constitute deviations from the rules of good conduct, in so far as they do not constitute criminal offenses under criminal law, the following acts described by Law No 206/2004:

1. the production of results or data and their presentation as experimental data, as data obtained by computer calculations or numerical simulations, or as data or results obtained by analytical calculations or deductive judgments;
2. falsification of experimental data, computer-based calculations or numerical simulations, or data or results obtained by analytical calculations or deductive judgments;
3. deliberate obstructing, preventing or sabotaging the research and development of other persons, including by unduly blocking access to research and development areas, by damaging, destroying or manipulating experimental apparatus, equipment, documents, computer programs, and computer data in electronic form, organic or inorganic substances or living matter necessary for other persons to carry out, carry out or complete research and development.
4. plagiarism;
5. self-plagiarism;
6. the inclusion in the list of authors of a scientific publication of one or more co-authors who have not contributed significantly to the publication or the exclusion of co-authors who have contributed significantly to the publication;
7. the inclusion in the authors' list of a scientific publication of a person without the consent of the person;
8. unauthorized publication or dissemination by authors of unpublished scientific results, hypotheses, theories or methods;
9. the introduction of false information in grant applications or financing applications, applications for authorization, university teaching posts or research and development posts,
10. abuse of authority to obtain the status of author or co-author of publications of persons under one's authority;
11. abuse of authority to obtain remuneration, salaries or other material benefits from r&d projects run or coordinated by persons under one's authority;
12. Abuse of authority to acquire the status of author or co-author of publications by persons under one's authority, or to obtain remuneration, salaries or other material benefits for spouses, or relatives up to and including third grade;
13. abuse of authority to unduly impose their own theories, concepts or results on the persons under their control;
14. obstructing the work of an ethics committee, an analysis panel in the course of an analysis of deviations from good conduct in r&d conducted under one's authority;
15. Failure to comply with the legal provisions and procedures intended to comply with the rules of good conduct in research and development laid down in Law 206/2004, Law No 1/2011, Code of Ethics, codes of Ethics by Domain, Organization Regulations, UPT Charter, including failure to implement the sanctions established by the ethics committees pursuant to Article 11(6) of Law No 206/2004.
16. Acts referred to in Article 221(2) of the Charter of the UPT which are not expressly mentioned in this article.

Art. 37.

Plagiarism as defined in Article 2, letter i of the Code, in conjunction with the provisions of Law no. 206/2004, represents the most serious form of intellectual fraud, which can reach the level of deliberate intellectual theft. An accusation of plagiarism must be accompanied by clear evidence of plagiarism by indicating the text taken over, including those on the Internet. Sanctions for plagiarism of teachers and researchers may go as far as termination of employment.

Art. 38.

The following situations may also trigger ethical accountability by association for the deviation from good conduct in R&D:

1. active participation in the misconduct of others;
2. knowledge of the misconduct of others and lack of referral to the ethics commission or the National Ethics Council;
3. co-authoring publications containing falsified or forged data;
4. failure to comply with legal and contractual obligations, including those relating to contract of entrustment or financing contracts, in the performance of management or coordination of r&d activities.

Art. 39.

Contradictory data, differences in experimental design or practice, differences in data interpretation, differences of opinion are specific factors of R&D and do not constitute ethical deviations.

Art. 40.

In the case of students, the acknowledgement of fraudulent attitudes in exams, paper works, works or projects will be made by the teaching staff present at the exam or by the teachers responsible for coordinating the activity of the students, who will take the measures provided for in the UPT regulations.

4.1.7. PROFESIONALISM AND RESPONSABILITY

Art. 41.

Professionalism and responsibility are values that the UPT cultivates and highly appreciates. To this end, high-value/excellent academic programs, capable of leading to the evolution of knowledge, to the training of good specialists, to the rise of the prestige of our university, are encouraged.

Art. 42.

The UPT supports and rewards scientific, professional, managerial and administrative excellence, peer solidarity and competitive loyalty, while punishing imposture, amateurism, superficiality, disinterest and capping.

Professional and social responsibility requires the involvement of each individual in the best possible resolution of the duties assigned to him or her in the interests of society and the UPT community. Each person shall be responsible for their actions.

Art. 43.

In teaching, professionalism and responsibility suppose a high quality of the educational process, manifested by communication of course objectives, holding of courses according to the timetable, adaptation of the teaching style to the needs and level of the course and to the specificities of the group of students, development, training or provision of the teaching material required for students for the course, workshop or laboratory, holding of the scheduled consultation sessions, follow-up and guidance of the drafting of works (projects, bachelor or dissertation papers) by students, choice of appropriate examination arrangements, scoring and communicating the results within the prescribed time limit.

Art. 44.

In terms of pedagogy, professionalism and responsibility suppose the choice of the most appropriate ways of dealing with each theme within the program, communication of the objectives of the

subject, and the choice of examination methods in accordance with these objectives. It is also important to adapt the teaching style to the needs and level of the subject of study.

Art. 45.

Each member of the academic community assumes responsibility for the quality of the education process at their level.

Any teacher must master the subject they are teaching in detail, ensuring that the entire content of the discipline is up to date, representative and appropriate to the level of the subject within the educational field.

Teachers have the freedom to adhere to an interpretation or another of their own fields, without imposing that particular orientation on students in the educational process.

Scientific disagreements between teaching staff in the UPT must not affect the correct training and assessment of students.

Art. 46.

The following are violations of the principles of professionalism and responsibility:

1. the assignment of courses, seminars or laboratory works to persons with a lack of adequate knowledge;
2. to dedicate a significant part of the time allocated to the course or seminar to issues not related to its subject matter;
3. obliging students to take exclusive account of the teaching opinion or refusing to discuss other views expressed on the same subject on the basis of arguments;
4. the teacher's addressing only part of the subject in a course, i.e. only those aspects that are of personal interest to them;
5. selection of examination arrangements that are inconsistent with the course objectives

Art. 47.

It is prohibited to fill teaching and research posts by persons who have been proven to have seriously violated the rules of good conduct in scientific research and university activity, established in accordance with the law.

The competition for an occupied teaching or research post shall be cancelled and the employment contract with the UPT shall be terminated as of right, irrespective of when a person has been proven to have made serious misconduct in scientific research and university activity.

Such deviations are to be acknowledged by the National Ethics Council for Scientific Research, Technological Development and Innovation, according to the law.

Art. 48.

The auxiliary and non-teaching staff of the UPT shall be required to perform their individual duties with professionalism, integrity and in good faith.

4.1.8. TRANSPARENCY

Art. 49.

Transparency creates the prerequisites for equal opportunities in competition and equitable access to university resources. The UPT shall comply with the principle of transparency of all categories of information of interest to the members of the UPT community, candidates for admission/contest for the occupation of posts in the UPT, the institutions with which they collaborate and the general public.

Art. 50.

It shall be prohibited to hide, falsify or distort information to which members of the UPT community and the general public are entitled by law.

Art. 51.

The UPT shall require the members of the UPT community to expressly mention the material support provided by the university or other organizations, institutions, firms or individuals in carrying out the research or publication in question.

Art. 52.

All members of the UPT community are guaranteed respect for confidentiality in respect of matters relating to their personal life.

4.1.9. LOYALTY TO THE UPT

Art. 53.

Loyalty to the UPT is an obligation of honour for all members of the UPT community.

Unfair competition will be considered as any situation, in which a member of the UPT community uses practices of denigrating the Politehnica University of Timisoara (public or confidential provision of inaccurate or false information about the institution's activity), "parasite" competition (obtaining advantages as a result of the confusion created and so on), use of membership of the UPT community outside it exclusively for personal purposes. Acts of unfair competition - deviations from loyalty - may be the acts referred to in Article 56 of this Code.

Unfair competition is an attitude that the UPT strongly condemns. Therefore, the employment for teaching at other universities can only be done under the conditions set out in the UPT Charter.

Art. 54.

The members of the UPT community have a duty to loyally defend the prestige of the UPT, avoiding any fact which could harm its image or interests.

Members of the UPT community have a moral right to publicly expressed criticism if they have arguments and evidence that scientific, pedagogical, ethical or legal standards have been violated by the one or those concerned.

Art. 55.

The following are regarded as violations of the university ethics and of the loyalty obligation:

1. Personal attacks or defamatory statements against other members of the UPT community;
2. The holding of shares intended to result in the loss of property or non-property rights legally acquired by the UPT;
3. Defamation of the university, carrying out actions aimed at discrediting the UPT or affecting its image and prestige.

4.1.10. INCOMPATIBILITIES. CONFLICTS OF INTEREST

Art. 56.

The difference between incompatibility and conflict of interest as defined by law and this Code is: a conflict of interest may exist when a member of the UPT community has to make a decision that influences an exclusively personal interest, while a Member of the UPT community does not have to make any decision in order to find themselves in a situation of incompatibility, it is sufficient that they simultaneously occupy two or more positions whose combination is prohibited by law.

Art. 57.

Persons in a relationship of spouses, and relatives up to and including third degree, cannot hold simultaneous positions in such a way that one of them is in a position of management, control, institutional authority or evaluation at any level in the university and may not be appointed to doctoral committees, evaluation committees or contest committees whose decisions affect spouses, or relatives up to and including the 3rd grade.

Leadership, control, authority or institutional evaluation at any level will be considered in accordance with the applicable legal and institutional provisions.

Art. 58.

The functions of rector, vice rector, dean, vice dean, director of department or director of units of research and development, design and micro production shall not be cumulative.

It is prohibited for a single person to have more than one managerial position, if they are incompatible by law.

There may be no members of the University Ethics Commission who are in any of the positions: rector, vice rector, dean, vicedecan, administrative director, director of department or director of a unit of research and development, design, micro-production.

Art. 59.

The following persons shall not be involved in any procedure regarding the competition for the filling of a post within the UPT:

- a. they are spouses, relatives up to and including third degree, to one or more candidates;
- b. they are employed in the same institution with a candidate who has a senior position and is subordinated to the candidate;
- c. they are associated with a candidate in companies in which each of them own shares representing at least 10 % of the capital of the company;
- d. they are or have been remunerated within research projects in which a candidate has been a project manager in the 5 years preceding the contest;
- e. they benefit or have benefited from any kind of service or gain from an applicant in the last 5 years prior to the contest.

The person concerned shall be required to announce, preferably in writing, the above situations and to refrain from engaging in any decision in which he or she may appear to have a personal interest.

To the extent that the situation(s) described above was/were not known at the time of appointment of the commission, the person concerned shall refrain in writing and request his/her replacement from the commission, also in writing. The obligation to withdraw intervenes as soon as the case is known.

When, as a result of a contest won by a candidate, one or more persons from the higher education institution are to be in a situation of incompatibility, the appointment and the award of the academic title or of the professional R&D title by the UPT may take place only after the incompatibility situation has been resolved.

Art. 60.

Conflicts of interest may arise from the intersection of several types of relationships or positions, which may affect the correct judgments and assessments and actions of members of the community.

They can lead to practices such as favouritism and nepotism, to the application of double standards in assessment or evaluation, or acts of persecution or revenge, which the UPT categorically rejects. Conflicts of interest may originate from personal relationships, multiple roles, material interests, external collaborations, or other commitments.

Conflicts of interest may be:

- a. *potential conflict of interest*: when a member of the UPT community is in a position as to take a decision/participate in a group designated to make a decision or to perform/fail

to perform an act which would obtain economic benefit to themselves, their spouse, or a relative up to and including second degree relatives or another person with whom they have been in business or work relations in the last 5 years or from whom they have benefited in any way.

- b. *consummated conflict of interest*: when a member of the UPT community has made a decision/has participated in a group designated to take a decision or has performed/failed to perform an act which obtained economic benefit to themselves, their spouse, or a relative up to and including second degree relatives or another person with whom they have been in business or work relations in the last 5 years or from whom they have benefited in any way.

The potential conflict of interest is not criminalized, but the person concerned is obliged to refrain, so as not to generate the consummated conflict of interests.

Art. 61.

It is considered as an ethics violation when a teacher examines a candidate who is their spouse or a relative up to the third degree.

In order to avoid such cases, the following become mandatory:

1. Where there are other teachers of the same subject, the teacher concerned shall make a statement of abstention and the examination of the student shall be carried out by another teacher appointed by the department director or the Dean, as the case may be;
2. if it is not possible to make a replacement, another teacher will be appointed, with the closest expertise possible, to assist the holder of the subject in examining the student concerned.

Art. 62.

Other cases of potential / consummated conflicts of interest:

- a. a person may decide/decides to award a prize or honorary title to a person who is a spouse, relative up to the 3rd grade;
- b. a person has several positions at the University and the interests they have to defend in consideration of each position do not converge;
- c. a person from the University engages or participates in the contractual employment of the establishment they are leading, with a company belonging in whole or in part to a person with whom they are linked as referred to in article 58 (1)
- d. a student is employed by a company belonging to the examining teacher or to one of the persons referred to in article 58 (1), or the teacher provides paid work for the student, their spouse or relatives up to the 3rd degree.

In addition, two persons, both of whom are at the same time subordinate within a legal person governed by private law/other institutions/public authorities, are considered to be in a conflict of interest.

Art. 63.

In any event of a conflict of interest the person concerned shall be required to inform, preferably in writing, their superior with regard to the existence of a conflict of interest and refrain from engaging in any decision in which he or she may appear to have a personal interest.

If the conflict of interest/incompatibility concerns the head of the institution, he or she is obliged to notify the UPT Ethics and Deontology Commission and to refrain from carrying out the administrative procedure/administrative act/evaluation act, etc.

The Commission will take a decision on the situation immediately.

Art. 64.

In the event of a consummated conflict of interest carried out with direct or indirect intent, any legal or administrative acts concluded directly or through interposed persons in breach of the legal provisions on the conflict of interest shall be void.

Art. 65.

The UPT shall be empowered to take the necessary measures in order to avoid or adequately resolve situations which may lead to conflicts of interest that could directly or indirectly compromise the performance of its duties.

Art. 66.

Failure to respect the conflict of interest or incompatibilities regime leads to the liability of the guilty person. Attracting civil liability does not exclude criminal liability if the offense is a criminal offense.

4.2. DESIRABLE RULES

Art. 67.

The desirable ethical standards that the UPT Community considers important are: respect and tolerance, politeness, restraint and moderation, collegiality, generosity and humanity, decency and elegance. These represent in fact attitudes that a member of the UPT community must adopt and practice in good faith.

Art. 68.

Respect and tolerance are moral values that the UPT claims from all members of the UPT community, in order to create and maintain a climate of spiritual comfort and courtesy.

Respect and tolerance must be both horizontal – between people of the same status (of the same "rank") – and vertical – in hierarchical relationships or between teachers and students. Lack of respect and tolerance in vertical hierarchical relationships can lead to abuse of power, harassment, insult and inequities.

Respect and tolerance in the academic world presupposes acceptance of the argument as the only criterion of conviction in disputes of ideas in general and in scientific matters in particular.

It is the duty of each Member of the UPT community not to practice and combat xenophobia, racism and chauvinism, mysoginism, harassment in any form, insult and acceptance of the diversity of philosophical, religious, political beliefs, etc.

Art. 69.

Politeness naturally arises from respectful and tolerant behaviour and has the same support and appreciation within the UPT community.

There are many forms of politeness in the academic world, but not limited to:

- Courtesy and respect for each member of the UPT community. A breach of this obligation by a person does not give the injured party the right to conduct a similar conduct;
- Respect for religious, linguistic and other differences between the members of the UPT community;
- greeting and response to greeting in civilized / deference conditions, both within the faculty and outside, both horizontally (between colleagues) and vertically (hierarchical);
- polite attitude toward people with special needs and elderly people, in all circumstances.

Art. 70.

Restraint and moderation in behaviour and language are recommended to all members of the UPT community. This avoids any form of excess which could lead to inter-human tensions and the deterioration of the academic climate. Restraint and moderation are also recommended for teachers to avoid excessive demands for various forms of checking students' knowledge.

Art. 71.

Collegiality, generosity and humanity must be manifesting themselves in people-to-people relationships within and outside the university perimeter. This creates a climate of security and confidence in the UPT Community, of peer support, solidarity and compassion to overcome difficult times, of sympathy and moral or material support in crisis situations.

Art. 72.

Decency and manners are recommended in both behaviour and clothing to all members of the UPT community. This eliminates / reduces excesses of any kind, unsuitable for an academic environment.

CAP. V. INSTITUTIONAL ARRANGEMENTS TO GUARANTEE THE ORIGINALITY OF BACHELOR, MASTER, DOCTORAL THESES, SCIENTIFIC PAPERS AND OTHER WORKS.

Art. 73.

To guarantee the originality of the bachelor, master, doctoral theses and other scientific works, deans, teachers and scientific supervisors will explain to their students, starting with the first year of study:

- the definition of intellectual theft;
- the definition of deviations from good academic conduct according to Law 206/2004;
- the sanctions that may apply;
- the specific methodologies for drawing up scientific work;

and will seek, as far as possible, to present concrete examples of the practical applicability of the instructions in this field.

Art. 74.

Course/seminar/laboratory/workshop/project holders and scientific supervisors of bachelor/master/doctoral papers are required to provide students with ongoing advice on how to avoid academic fraud. The decision as to how this counselling is provided to students rests with the holder of the counselling obligation.

Academic fraud means the commission of any of the acts listed in Article 37 of this Code.

Art. 75.

Each bachelor/ master/ diploma thesis or diploma project must contain a declaration, signed by the candidate, assuring the originality of the thesis/project.

In the absence of such declaration, the candidate may not take part in the presentation and defence of the bachelor/ master/ graduation thesis or diploma project.

Art. 76.

Doctoral students' papers (including doctoral theses/projects) are also accompanied by affidavits as to the authenticity of the paper and the authorship/co-authorship of the person submitting it.

Art. 77.

The doctoral supervisor has the obligation expressly stated in the doctoral contract to immediately report to IOSUD cases of possible academic fraud, violations of academic ethics or misconduct in scientific research, including plagiarism, committed by the doctoral student.

Art. 78.

Sanctions for plagiarism - as established by law and internal regulations - can go as far as expulsion/termination of employment.

CAP. VI. THE FRAMEWORK AND LIMITS FOR THE AMICABLE RESOLUTION OF CONFLICT SITUATIONS BETWEEN MEMBERS OF THE UPT COMMUNITY

Art. 79.

Where the act complained of is prejudicial to a private interest, does not seriously and irreparably harm the rights/interests of the complainant and is not such as to damage the image of the University or disrupt the work of the staff, the Ethics Commission may play an active role in resolving the conflict between the parties (complainant and respondent) amicably.

The provisions of this article apply in particular to violations of the desirable rules of ethics that the UPT community considers important: respect and tolerance, politeness, sobriety and moderation, collegiality, generosity and humanity, decency and elegance.

Art. 80.

If the parties reach a conciliation agreement, the Ethics Commission will issue a report stating that the dispute has been settled amicably.

The Commission may make recommendations with a view to preventing the same or similar facts.

In the Ethics Commission's annual report, recommendations will be highlighted separately, where appropriate.

CAP VII. THE COMMISSION OF ETHICS AND DEONTOLOGY OF THE POLITEHNICA UNIVERSITY OF TIMISOARA

Art. 81.

The UPT's Academic Ethics and Deontology Commission is organized as a permanent structure without legal personality, set up to ensure the compliance with university ethics as well as to sanction ethical misconduct.

In carrying out its duties, the Academic Ethics and Deontology Commission of the UPT shall be independent and shall not be subject to interference or pressure from any person.

Art. 82.

The structure and composition of the Commission shall be proposed by the Management Board, endorsed by the UPT Senate and approved by the UPT Rector.

Following compliance with the steps referred to in paragraph 1, the UPT Rector shall issue a decision on the nominal membership of the members of the Commission.

The Commission is made up of 11 members, of which a student representative is required.

The Commission shall have a chairman who shall be appointed by the UPT Rector upon the decision to appoint the Commission. The appointment of the Chair of the Ethics Commission shall be endorsed by the UPT Senate.

Art. 83.

The members of the commission shall be persons with professional prestige and moral authority and hold a permanent teaching position within the UPT, in accordance with the law.

There may be no members of the Commission who are in managerial/executive positions, regardless of the level.

A student representative must be part of the Commission.

Art. 84.

The term of office of the Commission shall be four years. The term of office of each Member of the Commission shall not exceed four years.

If the term of office of a Member of the Commission ends before the expiry of the four-year period, a new Member shall be appointed within 30 days, subject to the provisions of Articles 7 to 9.

If a Member of the Commission is replaced, the term of office of the new Member shall not extend beyond the date on which the term of office of the Commission expires.

Members of the Commission may not exceed two consecutive terms of office in two legislatures.

When a new Ethics Commission is elected, the outgoing Commission ensures that all documents are handed over to the President of the new Commission.

Art. 85.

The Commission shall have a Secretary who shall keep records of the Commission documents, draw up minutes and other necessary acts, and shall ensure contacts and other actions related to the work of the Secretariat.

The Secretary of the Commission shall be a Member of the administrative staff of the UPT.

The Secretary of the Commission shall not be a Member of the Commission with the right to vote.

The Secretary of the Commission shall be proposed by the Secretary-General of the UPT and appointed by decision of the UPT Rector.

Art. 86.

The President shall represent the Commission in relation to the management of the university and shall have the following tasks:

- a. to propose the planning of the activities necessary for the fulfilment of the task assigned to it by this Regulation and to submit it to the Commission for approval;
- b. to convene, chair and moderate the Commission's working meetings;
- c. to establish the agenda for the Commission's working meetings;
- d. to coordinate the preparation of the annual report on the current respect for academic ethics and ethics of research activities;
- e. to submit to the Rector and to the University Senate the annual report referred to in (d);
- f. in the event of their unavailability, to appoint any of the members of the Commission for the temporary performance of the duties of president.

Art. 87.

In the event of the President's unavailability, he or she shall be given the power to appoint any of the members of the commission for the temporary exercise of the office of President.

Art. 88.

The Members of the Commission shall attend its meetings, consider the referrals, express points of view and give opinions on how to deal with the case independently and individually. The Members of the commission shall exercise any other duties arising from the law and the internal rules of the UPT.

Art. 89.

The term of office of the members of the Commission shall end in the following cases:

- a. revocation on a proposal from the Management Board, endorsed by the UPT Senate and approved by the UPT Rector;
- b. by resignation;
- c. by losing membership of the UPT community;
- d. following disciplinary/ethical violation sanctions.

Art. 90.

The legal adviser may attend the meetings of the Commission as a guest without having the right to express their views on the facts which are the subject of the Commission's meeting. The legal adviser shall not be part of the Commission and shall not have the right to vote.

The resolutions of the Academic Ethics Commission shall have to be endorsed by the university's legal adviser.

The university has legal responsibility for the work of the Commission and its decisions.

The legal support shall be provided by the Legal Office of the UPT in the drafting of the Commission's decisions.

Art. 91.

Material competence:

The Commission shall analyse and settle complaints about facts which may constitute deviations from the norms of university ethics, in accordance with the provisions of Law No. 1/2011, as amended and supplemented, of Law No. 206/2004, as amended and supplemented, as well as the provisions of the Code of Ethics and other internal provisions of the UPT.

The competence of the Commission of Academic Ethics covers deviations from the code of ethics inside the university and university campus, and those conducted outside it, in so far as it involves members of the university community.

Art. 92.

Competence related to the quality of persons.

The Commission shall examine and settle complaints about facts which may constitute breaches of the rules of university ethics committed by members of the UPT community, as defined in Article 15 of the UPT Charter.

Where a person no longer has the status of a Member of the UPT community, the Commission may only analyse and resolve the case if the act was committed during the time that the person was a Member of the UPT community. The Commission may propose to impose a sanction in such cases only if the sanction is expressly provided for by law and has legal effect on a person who, at the time of the decision, no longer has the status of a Member of the academic community of the UPT.

Art. 93.

If the Commission finds that it is not competent to deal with a referral, it shall decide thereon. The reasons for the decision shall be given in fact and in law.

Art. 94.

The Commission shall have the following tasks:

- a. to review and resolve deviations from the University Ethics, on the basis of referrals/complaints or self-referral, in accordance with the Code of Ethics and University Deontology and this Organization and Operation Regulation. The Commission will only address written complaints/referrals which are assumed and signed;
- b. to establish sanctions for deviations from ethics as defined in the Code of Ethics and in the applicable legislation;

- c. to appoint analysis panels to examine claims relating to deviations from good conduct in research and development brought to its attention following referrals or on an own initiative basis;
- d. to endorse or to reject reports issued by the analysis panels;
- e. to produce an annual report on the state of respect for academic ethics and ethics in research activities, which shall be presented to the Rector, to the university Senate and shall constitute a public document;
- f. to contribute to the elaboration of the Code of Ethics and University Deontology, which is proposed to the university Senate for adoption and inclusion in the University Charter;
- g. tasks assigned by Law 206/2004, as amended and supplemented;
- h. to issued recommendations regarding the respect of ethics in UPT;
- i. to issue proposals for amendments to the UPT Code of Ethics, which shall be submitted to the UPT Senate for adoption;
- j. other tasks provided for in the UPT Charter or by the law.

Art 95.

The working methods and procedures carried out by the Ethics Commission are described in detail in the Rules of Organization and Functioning of the UPT Ethics Commission, which is also approved by the University Senate.

CAP VIII. PARTICULARIZATION OF SANCTIONS APPLIED FOR THE VIOLATION OF ETHICS

Art. 96.

Ethical misconduct is an act related to membership in the UPT community that consists of a culpable action or inaction by a member of the UPT community in violation of this Code.

Ethical breaches are the acts expressly mentioned in this Code.

Any other act committed by a member of the UPT community which has been considered by the Commission and which fulfils the constitutive elements set out in paragraph 1 of this Article may be qualified as an ethical breach.

Art. 97.

The sanction for ethical misconduct is determined in relation to the seriousness of the misconduct committed by the UPT community member, taking into account the following:

- a. the circumstances in which the act was committed;
- b. the degree of guilt of the member of the UPT community;
- c. the consequences of the misconduct;
- d. the subject's general conduct within the UPT;
- e. any previous sanctions suffered by the subject.

Art. 98.

The sanctions established by the Committee on Academic Ethics and Deontology are implemented by the Rector within 30 days of the sanctions being established.

Art. 99.

The sanctions that may be established for teaching and research staff and auxiliary teaching and research staff by the University's Ethics Commission for infringements of university ethics shall be as follows:

- (a) written warning;

(b) a reduction in the basic salary, combined where appropriate with the remuneration of management, guidance and control;

(c) suspension, for a specified period of time, of the right to enter a competition for a higher teaching position, or a position in management, guidance and control, as a member of doctoral, master or license commissions;

(d) dismissal from the post in education management;

(e) disciplinary termination of employment.

Art. 100.

The sanctions that may be determined by the university Ethics Commission for students and doctoral students for violating university ethics are as follows:

(a) written warning;

(b) expulsion;

Art 101.

For deviations in the research activity, as defined in Law No 206/2006 and Section 4.1.6 of the Code of Ethics, penalties are to be established by the analysis panel appointed by the Ethics Commission, approved by the UPT Senate and implemented by the UPT Rector.

The penalties to be laid down by the analysis panel shall be:

1. written warning;

2. withdrawal and/or correction of all published works in breach of the rules of good conduct;

3. reduction of the basic salary, combined where appropriate with the management, guidance and control allowance;

4. suspension, for a fixed period of time between 1 and 10 years, of the right to enter a competition for higher office, management, guidance and control or as a Member of contest boards;

5. dismissal from the management position of the research and development institution;

6. disciplinary termination of employment.

Art. 102.

Rehabilitation of the sanctioned person may be ordered under the law by the sanctioner.

CAP. IX. DISPOZIȚII FINALE

Art. 103.

This Code shall be supplemented by the applicable statutory provisions, which shall prevail.

Art. 104.

The Code of Ethics of the Politehnica University of Timisoara should not be used either to subjugate subordinates or to undermine superiors, but respected in its letter and spirit, for the creation and development of an ethical and deontological climate conducive to carrying out the specific activities of a University.

Art. 105.

Periodically and whenever appropriate, this Code may be amended, supplemented or revised, and all alterations must be approved by the UPT Senate.

Art. 106.

The provisions of this Code shall apply and be supplemented by the applicable legal provisions. Where there is a contradiction between the provisions of this Code and the legal provisions, the latter shall prevail.

Art. 107.

The present Code of Academic Ethics and Deontology was approved in the meeting of the Senate Bureau of Politehnica University of Timișoara on 29.04.2015 and is an integral part of the Charter of the Politehnica University of Timișoara.

RECTOR,

Univ.Prof.dr.eng. Viorel-Aurel Șerban

PRESIDENT OF THE ETHICS COMMITTEE,

Univ.Prof.dr.eng. Francisc Peter

JURIDIC OFFICE,

Legal counsellor Alina Atanasescu