

RULES OF ETHICS AND DEONTOLOGY IN THE ROMANIAN CONTEMPORARY ACADEMIC ENVIRONMENT

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Abstract: *Starting from the significance of the notion of “ethics”, which has been consecrated since antiquity, we will present in this article some aspects developed in the current legislation on rules of ethics and deontology in the Romanian contemporary academic environment. The law on national education contains detailed provisions on university ethics and enshrines the obligation to adopt the Code of University Ethics and Deontology. An example in this respect is the Code of University Ethics and Deontology of the “Athenaeum” University in Bucharest, which provides a set of acknowledged values and principles that underlie the rules of academic conduct. At the level of higher education institutions, Ethics and Deontology Committees are established, which draw up Annual Ethics Reports, but no centralized analysis of cases and causes of violation of university ethics has not been identified at national level to mitigate the negative impact on the quality of the educational act. In the application of the provisions of the National Anti-Corruption Strategy, 2016 - 2020, university and postgraduate training programs on ethics and integrity were set up, with an optional and mandatory character, but we cannot yet speak of a centralized comparative evaluation of the results of these programs. Current approaches to the development of academic ethics promoted by academic community members should be seen as good practices that require support and sustained efforts, including from civil society, to effectively contribute to the general public welfare.*

Keywords: *University ethics, deviations, sanctions, principles, Code of Ethics, Ethics Committees, Ethics Reports, National Anti-Corruption Strategy*

JEL Classification: *K4, K40*

Introduction

The concept of “ethics” was first used by Aristotle, since ancient Greece, and has the following meaning: “**Ethics** (from Greek = tradition, custom) is one of the main branches of philosophy which deals with the research of moral issues, trying to deliver answers to questions like: what is good/evil? how should we behave?” (Wikipedia 2019).

The concept has been perpetuated and developed in the European area up to the present day, when we talk about “Applied Ethics” in several disciplines, such as: “ethics of information technology, ... ethics of scientific research, ethics in public policies, ethics of international relations, ethics of the media” (CCEA 2019).

National Education Law no. 1/2011 (2011, Part I, no. 18), as subsequently amended and supplemented, establishes and develops the notion of “**University Ethics**” and provides for the acts that constitute “**serious deviations** from good conduct”, establishes the “**sanctions** that can be applied to the teaching and research staff”, as well as students and PhD students, for violation of university ethics and enshrines the obligation to adopt the “Code of University Ethics and Deontology” at the level of all higher education institutions.

For example, **the Code of University Ethics and Deontology of the “Athenaeum” University in Bucharest** (2016), provides for a set of acknowledged “values and principles” that underpin the rules of academic conduct. In the same sense, the **University Charter of “Athenaeum” University in Bucharest** (2016), contains provisions on the Code of University Ethics and Deontology.

In order to achieve the Specific Objective on “Increasing the integrity, reducing vulnerabilities and corruption risks in the national education system,” the **National Anti-Corruption Strategy 2016-2020** approved by the Government Decision no. 583/2016 (2016), provides for a number of key actions such as: “Establishing university and postgraduate training programs on ethics and integrity”.

In the context of increasing the public legitimate interest in the development and application of ethical and deontological rules in the Romanian contemporary academic environment, on all levels of activity carried out within the higher education institutions, the members of the academic community can represent the promoters of the change of attitude and can offer true ethical guiding marks for the entire national education system, in order to increase the quality of the educational act with a direct or indirect impact on civil society.

1. Regulating university ethics in the content of the National Education Law

The National Education Law no. 1/2011, as subsequently amended and supplemented, contains imperative provisions according to which the University Senate elaborates and adopts: “University Charter”, “Code of University Ethics and Deontology” and “University Code of Student’s Rights and Obligations” (Law no. 1/2011, art. 213, para. (2), b), f) and g).

The institutionalization of university ethics in the National Education Law has generated public debates of real interest for the approved media, where it was appreciated that “Creating an ethical climate in universities and transforming them into ethically-shaped institutions has become a daily requirement. (...). Regardless of the reasons that have led to this ethical demand, it seems important to me that the National Education Law aims to rebuild the whole system on an ethical basis” (Frunză, 2011).

In order to ensure the quality of higher education, the National Education Law provides for the possibility of cancelling the results of an examination or of an assessment, as well as of a study certificate or diploma, if they were obtained in violation of the rules of university ethics and deontology.

Thus, according to Art. 144 para. (4) of the Law no. 1/2011: “The results of an examination or of an assessment may be cancelled by the faculty dean under the provisions of the University Charter when it is proved that they were obtained fraudulently or in violation of the provisions of the Code of University Ethics and Deontology.”

Also, according to Art. 146 of Law no. 1/2011: “The Rector may cancel, with the approval of the university senate, a study certificate or diploma when it is proved that it has been obtained by fraudulent means or in violation of the provisions of the Code of University Ethics and Deontology.”

In the same sense, the National Education Law regulates by imperative legal rules, both the **serious deviations** from good conduct in scientific research and academic activity, as well as the **sanctions** that can be applied to the teaching and research staff, as well as the students and PhD students, for violating university ethics.

Thus, according to Art. 310 of Law no. 1/2011, “the following constitute **serious deviations** from good conduct in scientific research and academic activity:

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

Sanctions that may apply to teaching and research staff and auxiliary teaching and research staff by the university ethics committee for violation of university ethics or deviations from good conduct in scientific research provided by Law no. 1/2011, are the following (Art. 318):

- “a) written warning;
- b) reduction of basic salary, cumulatively, where appropriate, with management, mentoring and control allowance;
- c) suspension, for a limited period of time, of the right to enrol in a competition for a higher teaching position or a management, mentoring and control position as a member of PhD, master or bachelor boards;
- d) dismissal from the management position in education;
- e) disciplinary dissolution of the employment contract.” (At the same time, Law no. 1/2011 provides, at Art. 324, **sanctions** that can be established by the *National Council of Ethics for Scientific Research, Technological Development and Innovation*, “for deviations from good conduct in research and development of the personnel of the higher education institutions, ascertained and proved” (extract): “... e) withdrawal of the academic title or degree of research or reduction to a lower rank; ...”)

Sanctions that can be applied by the university ethics committee to students and PhD students for violation of university ethics, provided by Law no. 1/2011, are the following (Art. 319):

- „a) written warning;
- b) expulsion;
- c) other sanctions provided by the Code of University Ethics and Deontology.”

2. Code of University Ethics and Deontology of the “Athenaeum” University in Bucharest

Based on the imperative provisions of Art. 130 para. (1) of the National Education Law: “Higher education institutions adopt a code of university ethics and deontology. It is part of the University Charter.”

We exemplify in this respect the **Code of University Ethics and Deontology of the “Athenaeum” University in Bucharest, 2016**, which provides: Chap. I - General provisions, Chap. II - Values, Principles and Responsibilities, Chap. III - Violations of Academic Conduct, Chap. IV - Rules on the application and resolution of incompatibilities provided by the National Education Law no. 1/2011, Chap. V - Disciplinary Sanctions, Chap. VI - Final Provisions.

In the same sense, the **University Charter of the “Athenaeum” University in Bucharest, 2016**, provides in Chap. VII - Rights and Obligations of the Teaching and Research Staff, at Chap. VIII - Student Rights and Obligations, and at **Chap. IX - The Code of University Ethics and Deontology**, which establishes at Art. 66 the following “values and principles”:

- „a. academic freedom;
- b. personal autonomy;
- c. justice and equity;
- d. merit;
- e. professionalism;
- f. honesty and intellectual integrity;
- g. transparency;
- h. respect and tolerance;
- i. responsibility;
- j. goodwill and concern for people;
- k. loyalty.”

In order to ensure the observance and application of these principles, which are the basis of the rules of university ethics, Law no. 1/2011 states at Art. 306 para. (1) and (3) that: “At the level of each university the university ethics committee operates with the following attributions:

a) analyses and solves deviations from university ethics, based on complaints or self-complaint, according to the Code of University Ethics and Deontology;

b) draws up an annual report on the situation of respecting university ethics and the ethics of research activities, which is presented to the rector, the university senate and constitutes a public document; (...)”. According to Art. 218 para. (2) b) of Law no. 1/2011: “*The Council of Ethics and Management of the University decides on university ethics litigation and has as its main attributions: ... auditing the ethics committees in universities and presenting an annual report on university ethics. This report shall be made public*”.

At the “Athenaeum” University in Bucharest, according to the Activity Report for 2017-2018 (Ethics and Deontology Committee, 2017-2018), as well as the Activity Report for 2016-2017 (Ethics and Deontology Committee, 2016-2017), prepared by the *Ethics and Deontology Commission*: “During the academic year there were no reports of deviations from the university ethics and conduct in the scientific research, there were no reports either of the teachers and of the students, that are subject to the analysis of the Ethics Committee (...)”.

3. University Code of Students’ Rights and Obligations of “Athenaeum” University of Bucharest

Based on the imperative provisions of Art. 213 para. (2) g) of the National Education Law, the University Senate of the “Athenaeum” University of Bucharest adopted the **University Code of Students’ Rights and Obligations** (2019) which provides in Art. 4 the following “principles underlying student activity within the academic community:”

„a. **The principle of non-discrimination** - on the basis of which all students receive equality of treatment from the institution; any direct or indirect discrimination against the student is forbidden;

b. **The principle of participation in the decision** - on the basis of which the decisions within the higher education institutions are made with the participation of the students’ representatives;

c. **The principle of freedom of expression** - on the basis of which students have the right to express their academic opinions freely, in the educational institution in which they are studying;

d. **The principle of transparency and access to information** - on the basis of which students have the right to free and free of charge access to information regarding their own educational path and the life of the academic community they are part of, in accordance with the law.” (We express our view to

completing the “Principle of Freedom of Expression” with the following remarks: *except for political opinions and any form of discrimination of race, nationality, ethnic origin, language, religion, gender, political affiliation, wealth or social origin, and without prejudice to the dignity, honour, private life of the person, or to the right to one’s own image.* In this respect, see the provisions of the Romanian Constitution, republished in the Official Gazette of Romania, Part I, no. 767 of October 31, 2003: art. 4, para. (2) *“Romania is the common and indivisible homeland of all its citizens, irrespective of race ...”* art. 30, para. (6) *“Freedom of expression shall not prejudice dignity ...”*. Our trans.)

Considering that any right also has a correlated obligation, **the University Code of Students’ Rights and Obligations** governs in Art. 6 the students’ rights, and in Art. 7 students’ obligations, including the following (letters c and d): *“To comply with the provisions of the University Charter and the internal regulations derived from it. To comply with the provisions of the Code of Ethics and Deontology of the University.”*

4. Applying the provisions of the National Anti-Corruption Strategy to the national higher education system

The National Anti-Corruption Strategy for the period 2016 - 2020 envisages the Specific Objective 3.2. *“Increasing the integrity, reducing the vulnerabilities and the risks of corruption in the national education system”* and Main Actions for its achievement, such as:

“6. setting up university and postgraduate programs on ethics and integrity”;

“9. standardized publication of information on income, expenditure, public procurement, sponsorship, and academic activity at the level of state education/higher education institutions” (Ispas and Istratescu, 2016).

In implementing the provisions of the National Anti-Corruption Strategy, the Order of the Minister of National Education no. 3131/2018 (2018, Part I, no. 140) was issued on the inclusion in the curricula for all university education programs organized in higher education institutions in the national education system of the ethics and academic integrity courses according to which (Art. 1): *“Starting with the academic year 2018-2019, courses of ethics and academic integrity are included in the curricula, for all higher education programs organized in the higher education institutions of the national education system.”*

According to Art. 2 par. (3) and (4) of the same legislative instrument: “for the cycle of undergraduate studies, the courses ... will be optional” and “for the cycle of master and doctoral studies, the courses ... will be compulsory.”

Thus, the courses of ethics and academic integrity become **compulsory for master and doctoral studies**, the reason for the regulation being that, within these study cycles, individual creation and scientific research have a significant weight (Ministry of National Education 2018).

These measures are welcome, of course, but it may be appreciated that compulsory ethics courses were required earlier, since the pre-university education period, or at the latest during the undergraduate studies, taking into account the provisions of Law no. 1/2011 on “guaranteeing the originality of the bachelor’s thesis” (Law no. 1/2011, Art. 130 para. (1): “*Higher education institutions adopt a code of university ethics and deontology. It ... mandatorily includes: letter c) the educational, administrative and technical measures taken to ensure the originality of the Bachelor’s thesis, ..., as well as the related sanctions.*” Our trans).

We express our view to the existence of a compulsory subject in this field during university undergraduate studies, so that the stipulations mentioned in the law and in the university internal regulations (the Code of University Ethics and Deontology, the University Charter) do not remain unenforceable, while ethics and academic integrity courses are only optional.

So far, we cannot speak yet of a comparative monitoring/evaluation, centralized at national level, about the results of these courses.

Regarding the provisions of the National Anti-Corruption Strategy, on the “standardized publication of information on revenues, expenditures, public procurement, sponsorships ... of higher education institutions”, the standardization and publication of this information cannot be ascertained until now, on a large scale, for the university level, which requires consistent and coherent measures to be taken in the concrete application of these provisions.

5. University Online Code of Ethics

In November 2018, at the meetings first held at “Alexandru Ioan Cuza” University in Iasi and then at the University of Bucharest, Faculty of Journalism and Communication Sciences, the students formulated a series of proposals for the first University Online Code of Ethics, out of which we list the following (Badau, 2018a):

“1.1. Personal versus institutional: Students’ activity in the online environment does not engage the university’s image. However, students emphasize the importance of student image in relation to the University and society. / Online conduct should be decent, according to student status.” “1.2. Presenting the truth and verifying the information” “1.3. Public interest, not the interest of the public” “1.4. Civilized expression” “1.5. Avoiding exaggerated use of emotions” “1.6. Right to reply” “1.7. Respect for Intellectual Property” “1.8. Assumption of identity” “1.9. Networking” “1.10. Displaying advertising” (...) (Badau, 2018b):

This is a salutary approach in the context of activity digitization, at all levels of existence, as members of the academic community are the promoters of attitude change, ethical references and true models in the online environment, expectations concerning them being appropriate.

Conclusions

In applying the provisions of the National Education Law, at the level of the higher education institutions, the University Senate adopted: “The University Charter”, “The Code of University Ethics and Deontology” and “The University Code of Students’ Rights and Obligations.” An example of this is the Code of University Ethics and Deontology of the “Athenaeum” University in Bucharest, which provides: Values, principles and responsibilities, Violations of academic conduct, ..., and Disciplinary sanctions.

According to the Activity Reports for the years 2017-2018 and 2016-2017, prepared by the Ethics and Deontology Commission, established at the “Athenaeum” University of Bucharest: “... there have been no reports of deviations from university ethics and conduct in scientific research ...”

Violation of ethical rules may have a negative impact on the quality of the educational act as well as on the socio-professional quality of the results obtained, which can be propagated and reflected on the direct and indirect beneficiaries of the services offered and, last but not least, on the image and credibility of the higher education, by perpetuating so-called undesirable “models” in the academic, professional and social environment. *“The social effects of the lack of authentic values can concretely materialize through a series of consequences: decreasing the quality of education; setting up negative perceptions at the level of society about what university education represents;*

the devaluation of the status of university teaching staff; stigmatization of scientific research; underestimation of doctoral studies” Sercan, 2017, p. 57).

We consider it necessary to establish a system of quantitative and qualitative indicators on the level of knowledge and observance of the ethics and integrity rules at the level of the higher education institutions, on the basis of which an objective evaluation and centralized reporting are made, leading to taking examples of good practice in terms of prevention as regards ethics and integrity and removing the causes of possible breaches of these rules.

In this sense, it would be necessary and useful to centralize and evaluate the Annual Ethics Reports prepared by the Ethics and Deontology Committees at national level.

In the application of the provisions of the National Anti-Corruption Strategy, 2016-2020, on the “establishment of university and postgraduate training programs on ethics and integrity”, starting with the academic year 2018-2019, ethics and academic integrity courses, for optional bachelor’s study cycle, and for compulsory master and doctoral study cycles were included in the curricula.

In order to ensure the “guarantee of the originality of the bachelor’s theses”, we express our view to the existence of a compulsory subject in this field since the Bachelor’s studies.

In applying the provisions of the National Anti-Corruption Strategy, on the “standardized publication of information on revenues, expenditures, public procurement, sponsorships ... higher education institutions”, we consider that unitary and coherent measures are needed, such as the creation of an integrated IT platform, according to a standardized model that can be accessed by all higher education institutions, which would of course involve concerted efforts and resources, the ultimate goal being to increase the quality of the academic educational act and to translate it into the public common welfare.

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