



**ROMANIA  
„MIHAI VITEAZUL”  
NATIONAL INTELLIGENCE ACADEMY**

**REGULATIONS ON THE FUNCTIONING  
OF THE ETHICS COMMISSION WITHIN  
“MIHAI VITEAZUL” NATIONAL INTELLIGENCE ACADEMY**

- Bucharest, 2022 -

## LEGAL BASIS

- The Constitution of Romania;
- Law of National Education no. 1 of 2011, with subsequent amendments and additions;
- Law no. 206 of 2004 on the good conduct in scientific research, technical development, and innovation;
- Law no. 8 of 1996 on copyright and related rights, with subsequent amendments and additions;
- Law no. 80 of 1995 on the status of military personnel, with subsequent amendments and additions;
- Order of the Minister of Education and Research no. 4492 of 2005 on the promotion of professional ethics in universities;
- University Charter of “Mihai Viteazul” National Intelligence Academy.

## CHAPTER I CONSTITUTION, STRUCTURE, AND POWERS OF THE COMMISSION

**Art. 1.** (1) The structure and composition of the Ethics Commission is proposed by the ANIMV Board of Trustees, endorsed by the Academy Senate and approved by the Commandant (Rector). The Ethics Commission functions under the ANIMV Board of Trustees.

(2) The Ethics Commission consists of five members, people with professional prestige and moral authority, tenured professors or tenured university researchers or tenured assimilated teaching staff, with a PhD title, and a representative of the students. The structure and composition of the commission may be modified at the proposal of the Board of Trustees, endorsed by the Senate and approved by the Commandant (Rector) of ANIMV.

(3) The people occupying any of the positions such as rector, vice-rector, dean, vice-dean, administrative director, department director cannot be members of the Ethics Commission.

(4) The members of the Commission have a term of office of four years and may be elected for a maximum of two consecutive terms. The members of the Ethics Commission will be appointed within 60 days from the date of the first ordinary meeting of the newly constituted Senate.

Membership is forfeited as a result of unmotivated absence from three meetings of the Commission during an academic year. In this case, the President of the Commission requests the management of the education and research structures of ANIMV to appoint another member, who will be proposed by the Board of Trustees, endorsed by the Senate and approved by the Commandant (Rector) within 15 days from the date of the request. The term of office of this person will be linked to the mandate of the other members of the Commission and will run until the date of appointment of a new Ethics Commission.

(5) The Commission is headed by a president elected by open vote of its members, by simple majority, in the first meeting after the approval of the Commission by the Commandant (Rector) of the Academy. The President's term of office is of two years, with the possibility of extension for two more years. The President represents the Commission in relation to the management of ANIMV, the ANIMV Senate, and other institutions.

(6) If the President of the Commission is temporarily unable to exercise his/her duties, they are taken over by a member of the Commission, appointed by the vote of its members.

(7) The members of the Commission may lose their membership in the event of serious deviations from the academic ethics, as provided for under article 310 of the Law of National Education, the replacement proposal being submitted to the Board of Trustees with the vote of three of its members.

(8) The secretariat of the Ethics Commission will be ensured by a person, without the right to vote, appointed for this purpose from the level of the ANIMV Secretariat, under the care of the Academy's management.

**Art. 2.** The Ethics Commission has the following attributions:

- a) receives, analyzes, and solves the deviations from the academic ethics, committed by members of the ANIMV academic community, on the basis of complaints or through own initiative, according to the Code of Academic Ethics and Deontology;
- b) conducts checks, interviews, and investigations to gather data on the situations which are the subject of the complaints;
- c) elaborates a detailed report for each investigated situation, which will be submitted to the Academy's management, with a proposal for appropriate actions;
- d) elaborates an annual report on the state of compliance with academic ethics at the ANIMV level, which is submitted to the rector, the ANIMV Senate and constitutes a public document;
- e) assists in 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;
- f) established by Law no. 206 of 2004, with subsequent amendments and additions;
- g) others provided by Law no. 1 of 2011 or established according to the University Charter;
- h) others expressly provided by law, within the competence of the Commission.

**Art. 3.** The university community is defined by the University Charter, according to the law.

## **CHAPTER II FUNCTIONING OF THE ETHICS COMMISSION**

**Art. 4.** (1) The Ethics Commission meets following a referral, in accordance with the law, or by own initiative char deviations from academic ethics, as well as for the fulfillment of the other duties provided for under article 2.

(2) Own initiative may occur when one of the members brings to the Commission's attention, verbally or in writing, a situation that represents a deviation from the academic ethics.

**Art. 5.** The Ethics Commission is convened in writing by its President at least five days before the date of the meeting, by email or through the Secretary of the Commission.

**Art. 6.** The attendance quorum for the Commission's meetings is ensured by the presence of three of its members.

**Art. 7.** The Commission may cite for a hearing, at the request of the parties or by default, any person who possesses the information necessary for the settlement of the case. The identity of the people will be kept confidential.

**Art. 8.** (1) The hearings and deliberations take place in a secret session. The members of the Commission, who have access to the documents and the facts, are obliged to keep the hearings, deliberations, and the content of the documents confidential.

(2) Failure to comply with the confidentiality obligations entails the exclusion from the Ethics Commission and the application of sanctions in accordance with the Code of Ethics and University Deontology.

**Art. 9.** If the commission considers that the nature of the problem allows reconciliation between the parties by amicable means and the deviation from the rules of academic ethics is minor, in the sense that it does not fall under the provisions of article 310 of Law no. 1 of 2011, this solution will be proposed to the parties; if the reconciliation takes place, the Commission will take note of this, and the conflict between the parties is resolved.

**Art. 10.** (1) In order to settle the complaints, a Review Commission will be set up, if necessary, at the proposal of the Ethics Commission. The composition of the Review Commission will be established, without generating situations of incompatibility, conflict of interests, or which may influence the decisions of the members of the Commission, based on the proposals formulated by the members of the Commission, the Commandant (Rector) of ANIMV and the members of the Board of Trustees. The Review Commission will be endorsed by the ANIMV Senate and appointed by decision of the Commandant (Rector).

(2) The Review Commission will be made up of three members, people with a minimum teaching degree of university lecturer, recognized personalities in the field of activity, from the academic environment of ANIMV or from outside it.

(3) If necessary, experts or groups of experts can be part of the analysis commission in order to be involved in the analysis and resolution of the complaints. The Commission may also consult other ANIMV structures in order to resolve complaints.

(4) The Review Commission has the obligation to maintain confidentiality on the identity of the author of the complaint.

(5) The Review Commission prepares a report which is approved by the Ethics Commission.

**Art. 11.** Following the investigation and deliberations, the Ethics Commission issues a decision by which, as the case may be:

a) Rejects the complaint because it considers that the alleged act does not meet the conditions for a deviation from the rules or principles of ethics. When the allegations are not confirmed, the report is kept with the Commission. A copy of this decision may be handed over to the accused at his or her request, while maintaining confidentiality on the identity of the person who filed the complaint;

b) Admits the complaint and proposes a sanctioning measure or other measure, according to the law, depending on the severity of the violation.

**Art. 12.** It submits to the Commandant (Rector) a report in which it will mention the information that served as the basis of their analysis and evaluation, possibly the views of the members of the Commission, whether any divergences of opinion were present, as well as, where appropriate, the measures and sanctions it establishes. The Commandant (Rector)

orders the adoption of the sanction against the involved person.

**Art. 13.** (1) The person who filed the complaint, as well as the person against whom the complaint was filed, is notified in writing, within the term provided by the normative framework in force, of the conclusions reached by the Ethics Commission following the investigation and deliberation.

(2) The report of the Review Commission is displayed on the institution's website within 45 calendar days from the date of submission of the complaint.

**Art. 14.** The decisions of the Commission are taken by open vote of its members, by a simple majority of the votes of the present members.

**Art. 15.** The decisions of the Ethics Commission may also be adopted following the expression of the vote by electronic means, subsequently confirmed by the signature of the members who have, thus, cast their vote.

**Art. 16.** The decisions of the Commission are endorsed by the ANIMV legal advisor. The legal responsibility for the decisions and the activity of the Ethics Commission lies with ANIMV.

**Art. 17.** Annually, a report on compliance with the provisions of the Code of Ethics and University Deontology is drawn up by the Commission. The report is communicated to the Academy Senate and is made public. The report does not mention the cases which, at the time, are under investigation by the Commission.

### **CHAPTER III REFFERAL TO THE ETHICS COMMISSION**

**Art. 18.** (1) Any person, natural or legal, within the university or outside of it, may notify the Ethics Commission of cases of misconduct committed by members of the ANIMV community.

(2) The referral to the commission is made in writing, with a description of the fact complained of and, possibly, with the presentation of documents that may support the referral, supporting documents. The complaint is submitted in a sealed envelope marked "To the attention of the Ethics Commission" and is registered, for the Ethics Commission, at the ANIMV Secretariat. The name of the person submitting the report is not recorded in the register, but the registration number with the mention "Referral to the Ethics Commission " is assigned.

(3) In order to be analyzed by the Ethics Commission, the complaints must be signed and must provide the identification and contact details (name and surname, address, telephone number, email address) of the person who drew it up, as well as and the known identification data of the person who is the subject of the complaint, and the description of the fact representing the deviation from the ethical norms.

(4) Complaints that do not contain the elements listed above will not be taken into consideration by the ANIMV Ethics Commission.

(5) If the referral document cannot be taken into consideration by the Ethics Commission as a referral, but contains sufficient evidence that constitutes indications of a deviation from the ethics rules, the Commission has the obligation to decide on its own initiative.

(6) After registration, the complaint will be forwarded to the President of the Ethics Commission and will be brought to the attention of the rector of ANIMV. Within 48 hours from

the date of registration, the President will decide the manner in which the complaint will be communicated to the members of the Ethics Commission.

(7) The communication of data and/or documents relating to the referral may be made either in a sealed envelope handed personally to the addressee by the Secretary of the Commission, or by email, by sending password-protected documents (.pdf or .doc format), to prevent people other than the addressee access them.

In this regard, the Commission will establish the communication procedures, the necessary passwords and the time intervals at which these passwords will be changed.

**Art. 19.** At least the following situations constitute deviations from the norms of academic conduct:

- a) insult, offense, slander in the online and offline space, verbally or in writing, at the address of a member of the academic community;
- b) denigration, in any form, of ANIMV;
- c) bringing to the public's attention any confidential issues regarding the activity within ANIMV;
- d) behaviors that violate the moral norms generally admitted in the academic space and outside it;
- e) corruption, influence peddling, accepting and offering bribes, blackmail, abuse of authority in the competition procedure for a teaching or research position;
- f) lack of transparency in the organization and conduct of competitions for teaching and research positions;
- g) lack of transparency in the procedure of choosing the management structures at the level of the department, faculty, Academy;
- h) infringement of intellectual property rights and copyright;
- i) plagiarism;
- j) knowingly entering untrue information in grant applications or funding applications;
- k) self-plagiarism.

**Art. 20.** Following a complaint, the Ethics Commission initiates the procedures established by the Code of Ethics and University Deontology, respectively by Law no. 206 of 2004, with subsequent amendments and additions. The Commission replies to the author of the complaint within the term provided by the regulatory framework in force, regarding the initiation of the review procedure, if there are indications of a violation of ethics, respectively the rejection of the complaint, if it is manifestly unsubstantiated. If the examination procedure is initiated, it is specified that the outcome of the deliberations will be communicated to him/her after the date of their conclusion.

**Art. 21.** In the case of referrals concerning teaching and research staff of the ANIMV, the Commission may request the point of view of the faculty council where he/she is employed.

**Art. 22.** Where necessary, the Commission cites for the hearing the person or the representative of the entity which made the complaint, by registered letter or by notification with acknowledgment.

**Art. 23.** In order to resolve the complaint or own initiative measure, the reported person or the person suspected of not complying with the standards of academic ethics may be heard, if he/she wishes, by the Ethics Commission, always being invited to formulate his/her point of view, verbally or in writing, when present at the hearing. The reported person will be notified at least 5 working days before the date of the hearing. If the person does not comply

with the invitation, this will be recorded in the minutes of the meeting, without, however, influencing the final result of the verifications.

**Art. 24.** In order to settle the complaint, the Commission may cite for the hearing, at the request of the parties or ex officio, any person who possesses the information necessary for the settlement of the case. The identity of the people will be kept confidential.

**Art. 25.** The identity of the author of the complaint will remain confidential during the verifications and analysis carried out by the Ethics Commission.

## **CHAPTER IV SANCTIONS THAT MAY BE APPLIED FOLLOWING VIOLATIONS OF ACADEMIC ETHICS AND/OR GOOD RESEARCH CONDUCT**

**Art. 26.** The sanctions that can be proposed for misconduct committed by the members of the university community, by the Ethics Commission, for violating university ethics or for deviations from the good conduct in scientific research are the following:

- a) written warning;
- b) reduction of the basic salary, cumulated, when appropriate, with the management, guidance, and supervision allowance;
- c) suspension, for a fixed period of time, of the right to register for a competition for occupying a senior teaching position or a management, guidance or supervision position, as a member of a doctoral, master's, or bachelor's Commissions;
- d) dismissal from the management position in education;
- e) disciplinary termination of the employment contract;
- f) withdrawal of all published works in violation of the rules of good conduct.

**Art. 27.** The sanctions that can be proposed by the Ethics Commission in case of misconduct committed by students, master's students, and doctoral students from university ethics are the following:

- a) written warning;
- b) suspension of the scholarship for a fixed period of time;
- c) expulsion;
- d) other sanctions provided by the Code of Ethics and University Deontology.

**Art. 28.** The sanctions proposed by the Commission must be proportionate to the severity of the misconduct and to the damage caused.

**Art. 29.** The sanctions established by the Ethics Commission are implemented after the approval by the legal advisor of ANIMV and are implemented by the Commandant (Rector) or the Dean, within the term provided by the regulatory framework in force.

**Art. 30.** The decisions of the Ethics Commission on the proposed sanctions for deviations from the Code of Ethics and University Deontology may be appealed within 15 calendar days from the notification. The appeal is submitted in compliance with the regulatory framework in force.

## **CHAPTER V CONFIDENTIALITY**

**Art. 31.** During the analysis of a fact that represents a deviation from the Code of Ethics and University Deontology, the access of third parties to the file will be forbidden, except for the state bodies empowered to investigate the respective fact.

**Art. 32.** The access of third parties to the confidential documents from a file located at the Ethics Commission is forbidden under the law also after the completion of the evaluation of the fact, with the following exceptions:

a) the report of the Review Commission which will be displayed on the website of ANIMV;

b) access for the authorized state bodies, when the fact is the subject of an official investigation and respecting the confidentiality of the data.

## **CHAPTER VI CONFLICT OF INTEREST**

**Art. 33.** In the event that during the analysis of the fact which is allegedly considered to be a violation of the Code of Ethics and University Deontology, a member of the Ethics Commission is in a conflict of interest, he/she withdraws from the assessment of the reported fact. In the case of a vote, he/she will abstain from voting.

## **CHAPTER VII FINAL PROVISIONS**

**Art. 34.** The designated Secretary of the Commission is responsible for keeping all collected data, whether or not the files have been resolved, in compliance with the legal framework in force.

**Art. 35.** The Commission will keep the files for an indefinite period of time, in an appropriate space made available to it by the Academy's management.

**Art. 36.** The coverage of the expenses occasioned by the functioning of the Ethics Commission is made from ANIMV budget, by the Commandant's (Rector's) decision. Also, ensuring the material basis for the functioning of the Ethics Commission, represents the responsibility of the executive and administrative management of ANIMV.

**Art. 37.** All communications and information on the activity of the Ethics Commission are provided only by specialized structures of ANIMV, in compliance with the internal procedures for the public communication.

**Art. 38.** The Ethics Commission's operating rules may be modified with the endorsement of the Ethics Commission and with the approval of the ANIMV Senate. Upon the approval of the Senate of this regulation, any previous provisions that are contrary to its provisions are repealed.

**The present Regulations were amended according to the proposal of the Board of Trustees dated March 24<sup>th</sup>, 2022 and approved at the Senate meeting of March 31<sup>st</sup>,**



**2022.**