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NATIONAL INTELLIGENCE ACADEMY
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APPROVED

President of the ANIMV Senate

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CODE OF CONDUCT FOR THE PREVENTION AND SANCTIONING OF XENOPHOBIA, RADICALISATION AND HATE SPEECH WITHIN THE "MIHAI VITEAZUL" NATIONAL INTELLIGENCE ACADEMY

This Code of Conduct was approved at the meeting of the University Senate on
September 27th, 2024.

Bucharest, 2024

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LEGAL BASIS

- Law no. 199/2023 on higher education, with subsequent amendments and completions;
- Law no. 80/1995 on the status of military personnel, with subsequent amendments and completions;
- Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and completions;
- Emergency Government Ordinance no. 31/2002 on the prohibition of organizations and symbols of a fascist, racist or xenophobic nature and the promotion of the cult of persons guilty of committing offences against peace and mankind;
- Order of the Ministry of Education no. 3693/2024 approving the Framework Methodology regarding the organization of admission to higher education in short-cycle university studies, bachelor's, master's and doctoral study cycles;
- Order of the Minister of Education and Research no. 4,492/2005 on promoting professional ethics in universities;
- Government Decision no. 206/1995 on the reorganization of the National Intelligence Institute into the "Mihai Viteazul" National Intelligence Academy, with subsequent amendments and completions;
- The University Charter of the "Mihai Viteazul" National Intelligence Academy;
- Internal regulations of the Romanian Intelligence Service regarding the selection and appointment process of military personnel;
- Order of the Minister of Education no. 4043/22.03.2024 approving the Code of Conduct for the prevention and sanctioning of xenophobia, radicalization and hate speech;
- Regulation on the functioning of the University Ethics Commission of the "Mihai Viteazul" National Intelligence Academy.

CHAPTER I GENERAL PROVISIONS

Article 1

(1) This Code regulates, in general terms, the prevention and sanctioning of xenophobia, radicalization and hate speech within the “Mihai Viteazul” National Intelligence Academy.

(2) The purpose of this Code is to prevent, within the “Mihai Viteazul” National Intelligence Academy, the replication of negative developments recorded in other countries as a result of acts associated with antisemitism, xenophobia, radicalization and hate speech and to combat attitudes and behaviors that lead to such acts.

(3) For the purposes of this Code, the following terms are defined as follows:

- a) xenophobia – an attitude of fear, rejection and hatred towards persons belonging to the ethnic group of which the subject is part;
- b) radicalization – the complex process by which a person comes to pervert their beliefs, feelings and behavior as a result of adopting an extremist form of thinking, in which the use of violence and even self-sacrifice through suicidal methods are considered legitimate forms of defense;
- c) antisemitism – a certain perception relating to Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of antisemitism are directed against Jews or non-Jews and/or their property, against Jewish community institutions and places of worship;
- d) hate speech – public discourse that expresses hatred or encourages violence against a group based on race, nationality, ethnicity, language, religion, social category, beliefs, age, disability, non-contagious chronic disease, HIV infection, membership of a disadvantaged category, sex or sexual orientation;
- e) fascist, racist or xenophobic symbols – flags, emblems, badges, uniforms, slogans, forms of greeting that promote racist or xenophobic ideas, concepts or doctrines;
- f) person guilty of committing offences against peace and mankind – any person convicted with definitive judgement by a Romanian or foreign court for one or more offences against peace and mankind, as well as any person convicted by an international criminal court for war crimes or crimes against humanity.

Article 2

(1) Xenophobia, radicalization and hate speech constitute direct violations of the principles of freedom, democracy, respect for human rights and fundamental freedoms and the rule of law, principles on which the European Union is founded and which are common to the Member States.

(2) The “Mihai Viteazul” National Intelligence Academy has the responsibility to ensure a university environment free of stereotypes, intolerance and discrimination and to establish objectives and take measures aimed at preventing and combating xenophobia, radicalization and hate speech.

Article 3

The activities of the “Mihai Viteazul” National Intelligence Academy concerning the prevention and combating of antisemitism, xenophobia, radicalisation and hate speech are entirely subsumed to the following principles, which are essential and mandatory to be followed:

- a) the principle of academic freedom – any member of the ANIMV university community has the right to freedom of thought, conscience and religion and to hold opinions without interference from anyone and without restriction of freedom of expression, within the limits of the law and military regulations, including the right to seek, receive and impart information and ideas. Members of the university community are free, within the limits of the law, to question received information and to present new ideas and controversial or unpopular opinions without fear of sanctions;
- b) the principle of respect for fundamental human rights and freedoms – all activities carried out for the prevention and combating of antisemitism, xenophobia, radicalization and hate speech shall be conducted in compliance with the provisions of international conventions and treaties on fundamental human rights and freedoms to which Romania is a party;
- c) the principle of legality – activities shall be carried out on the basis of and in accordance with the law;
- d) the principle of prevention – implies that the entire activity undertaken must ensure the prevention of antisemitism, xenophobia, radicalization and hate speech, both through sound cooperation between the institutions and organizations involved and through efficient coordination of the implementation of measures at the level of the higher education institution;
- e) the principle of public-private partnership – implies the involvement of civil society in the concrete activities for the implementation of measures to prevent and combat antisemitism, xenophobia, radicalization and hate speech, as well as consultation of members of the academic community within the decision-making process;
- f) the principle of proportionality – implies that none of the actions undertaken shall exceed the level necessary to achieve the established objectives.

CHAPTER II ASPECTS REGARDING THE PREVENTION OF XENOPHOBIA, RADICALISATION AND HATE SPEECH

Article 4

(1) The “Mihai Viteazul” National Intelligence Academy encourages members of the university community to create and maintain an ethical climate conducive to the development of harmonious, rational and balanced relationships, guaranteeing the manifestation of personality, in a spirit of collegiality and mutual respect.

(2) Members of the university community who witness or are targeted by acts associated with antisemitism, xenophobia, radicalisation and hate speech are

encouraged to report them and to request support from the Ethics Commission within the “Mihai Viteazul” National Intelligence Academy.

(3) The evaluation procedure carried out by the Ethics Commission, as well as the applicable sanctions, are regulated in the Charter of the “Mihai Viteazul” National Intelligence Academy and in the Regulation of procedure of the University Ethics Commission.

Article 5

At the level of the “Mihai Viteazul” National Intelligence Academy, measures shall be taken for the prevention, identification, analysis and resolution of situations associated with acts of antisemitism, xenophobia, radicalization and hate speech, before they become a problem for the “Mihai Viteazul” National Intelligence Academy. For this purpose, the Academy may periodically organize activities for the anonymous evaluation of the experience of members of the university community in order to identify prohibited acts within the university environment.

CHAPTER III

PROHIBITION OF XENOPHOBIA, RADICALISATION AND HATE SPEECH

Article 6

(1) Within the “Mihai Viteazul” National Intelligence Academy, the following acts are prohibited:

- a) the promotion of identity symbols, images and acts of a fascist, legionary, racist or xenophobic nature;
- b) the promotion of the cult of persons guilty of committing offences of genocide, crimes against humanity and war crimes;
- c) the promotion of ideas, symbols or doctrines that support and promote regimes of a totalitarian, antisemitic, extremist, fascist, irredentist, racist, chauvinistic or xenophobic nature, proven to violate fundamental human rights and freedoms, except where these are contained within a discipline/course material;
- d) activities of members of the university community involving radicalisation and the promotion of hate speech.

(2) Within any event at the National Intelligence Academy, the following are prohibited:

- a) preventing participants from accessing or leaving the event in safe conditions;
- b) preventing speakers from being clearly heard;
- c) chanting or using extremist, hate-inciting, radical, xenophobic or chauvinistic speech;
- d) displaying flags, banners, placards or similar items containing extremist, racist, fascist or xenophobic symbols;
- e) throwing any object;
- f) unjustifiably preventing a speaker from conveying their legitimate ideas, conceptions or opinions and preventing others from exercising their right to freedom of expression, within the limits of the law.

Article 7

(1) Any person may notify the University Ethics Commission within the “Mihai Viteazul” National Intelligence Academy regarding the commission of an act provided for in Article 6.

(2) Where, at the level of the “Mihai Viteazul” National Intelligence Academy, the commission of one or more of the acts provided for in Article 6 is established, the University Ethics Commission shall act ex officio and has the obligation to analyze and resolve the matter or, where the resolution exceeds its sphere of competence, to notify the competent state authorities, in accordance with the legal provisions.

Article 8

During the analysis of the notification/ex officio procedure, the person against whom it was submitted shall benefit from the presumption of innocence.

**CHAPTER IV
FINAL PROVISIONS**

Article 9

(1) The “Mihai Viteazul” National Intelligence Academy encourages the conduct of activities under the aegis of diversity of scientific opinions formulated within the academic environment and supports critical thinking in this context.

(2) This Code shall enter into force starting with the 2024–2025 academic year.