



# REGULATION ON THE ORGANISATION AND FUNCTIONING OF THE ETHICS COMMITTEE OF THE “VICTOR BABEȘ” UNIVERSITY OF MEDICINE AND PHARMACY OF TIMIȘOARA

	Date	Signature
Drafted by: The University’s Ethics Committee Assoc. Prof. Daniela Radu, MD, PhD.	19.10.2020	
Endorsed by the Legal Department	06.11.2020	
Endorsed by the Standing Committee of the Senate for the Revision of Regulations and the University Charter	17.11.2020	
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Date of withdrawal:		



**Art.1.** The University Ethics Committee is a deliberative structure, without legal personality, independent in the exercise of its duties, created in order to apply and ensure the observance by the entire academic community of the norms of good conduct in teaching, scientific research and academic activities.

**Art.2. Composition of the Committee and duties of the members**

- a. The Committee consists of 11 voting members: teaching staff, students, non-teaching staff, with professional prestige and moral authority. Persons holding management positions at university or faculty level<sup>1</sup> and those sanctioned for non-observance of the university ethics norms may not be members of the Committee.
- b. Committee candidates are nominated by faculties and student organisations, are approved by the Board of Directors and confirmed by decision of the Senate. The Committee elects a Vice-Chairperson by vote.
- b. The Chairperson of the Committee is elected by the members of the Senate during the general elections, and may hold this office for a maximum of two successive terms.
- c. The Committee is appointed by decision of the Rector for a period of four years, except for members appointed during a term to fill vacancies for various reasons, who will serve for the remaining time until the general elections of the University, during the term of the Rector.
- d. The Chairperson represents the Ethics Committee in relation to the University management. The Vice-Chairperson takes over the duties of the Chairperson in cases where the latter is unavailable with leave for a period of 2 months.
- e. In addition to the members of the Committee, a Secretary is appointed, without the right to vote in decision-making, who keeps records of the Committee's documents, ensures the contacts, draws up the minutes, and signs them. Upon request, the Secretary of the Committee will provide advice to interested parties on the procedure for submitting complaints/grievances, but may not open envelopes with complaints/grievances.
- f. The UMFVBT legal expert will participate in the meetings of the Committee, as guest.

**Art. 3. Legal basis**

The functioning of the Ethics Committee is mainly based on: Law no. 1/2011 on national education with subsequent amendments and competitions; Ministry of Education and Research Order no. 4492/2005 on the promotion of professional ethics in universities, the Charter of the "Victor Babeș" University of Medicine and Pharmacy of Timișoara, as well as the "Victor Babeș" University of Medicine and Pharmacy of Timișoara Code of Ethics and Professional Conduct.

In drawing up this Regulation, the Ethics Committee relies on: *Art. 8 (e) of the Charter of the "Victor Babeș" University of Medicine and Pharmacy of Timișoara, 2020: the principle of observing the norms of professional and scientific ethics; Article 11 (d): The organisational autonomy of the UMFVBT is achieved through the right to draw up its own regulations, in accordance with the legislation in force.*

In applying this Regulation, the Ethics Committee will consider: *Art.17 (c), (e), (f): University autonomy is exercised under the conditions of public responsibility, which obliges the UMFVBT: (c) to observe the academic equity and ethics policies contained in the Code of Ethics and Professional*



*Conduct approved by the University Senate, (e) to ensure the transparency of all its decisions and activities according to the legislation in force, (f) to observe the academic freedom of teaching, auxiliary and research staff, as well as the rights and freedoms of students;*

*Art. 26 (4): The results of an examination or other form of assessment may be invalidated, in accordance with the law, by the Dean of the Faculty, when it is proven that they were achieved fraudulently or in violation of the provisions of the UMFVBT Code of Ethics and Professional Conduct, the Dean being able to order the reorganisation of the examination.*

as well as the content of the following legislative provisions:

*Law no. 206/2004 on good conduct in scientific research, technological development and innovation, with subsequent amendments and completions<sup>6</sup>; Law no. 8/1996 on copyright and related rights, republished<sup>7</sup>; CNCISIS\* Ethics Guide (2003).*

#### **Art.4. Objectives and duties of the Committee**

The “Victor Babeș” University of Medicine and Pharmacy of Timișoara Ethics Committee applies the “**Victor Babeș” University of Medicine and Pharmacy of Timișoara Code of Ethics and Professional Conduct**, and proposes sanctions in case of violation thereof.

The UMFVBT Ethics Committee has the following main duties:

- a) analyses and proposes sanctions for deviations from academic ethics and conduct, based on complaints or at its own initiative, according to the provisions and principles of the “Victor Babeș” University of Medicine and Pharmacy of Timișoara Code of Ethics and Professional Conduct. In the case of complaints concerning the perpetration of crimes and offences, the Committee will suspend the procedure until a final court decision is delivered;
- b) prepares an annual report on the status of complaints and own initiative cases regarding the non-observance of academic ethics and conduct, a report which is submitted to the Rector of the UMFVBT and the University Senate, constituting a public document;
- c) initiates the amendment or completion of the “Victor Babeș” University of Medicine and Pharmacy of Timișoara Code of Ethics and Professional Conduct and the Regulation on the Functioning of the Committee by formulating proposals that are submitted to the UMFVBT Senate;
- d) performs the duties established by Law no. 206/2004 on good conduct in scientific research, technological development and innovation, updated

#### **Art.5. Jurisdiction and competence of the Committee**

The jurisdiction of the Committee includes all persons who are part of / or have relations with the University: students (all levels and forms of study), administrative staff, auxiliary teaching staff, tenured or collaborating teaching staff, institutional partners.

Misconduct occurring both within the University and the university campus, and outside, insofar as it involves members of the University’s community and affects the image of the University, falls within the competence of the Committee.

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\* National Council for Scientific Research in Higher Education



#### **Art.6. Material resources and remuneration**

The material resources (space for meetings and storage of documents, paper, files, access to the copier, etc.) will be provided by the Senate's secretariate.

#### **Art.7. Working procedure**

- a) The Committee will meet whenever necessary.
- b) The Committee will examine all written complaints referred to it. Complaints received in a sealed envelope will be handed over to the Chairperson or Vice-Chairperson, and may not be opened in their absence.
- c) If it is found that the complaint is not within the Committee's competence, it is obliged to decline its competence by written letter to the person/institution that submitted it within 5 days.
- d) The Committee may act at its own initiative or may be notified by the executive management of the University, and may analyse the violations of the provisions of the UMFVBT Code of Ethics and Professional Conduct, when acts that harm the prestige of the University are publicised.
- e) To solve the complaints received, the Committee will meet no later than 15 days after the receipt of the complaint by the Committee's Secretary. The deadline to reply is 30 days from the date of receipt of the complaint.
- f) Complaints may also be sent by e-mail to the Committee ([comisiaeticaumft@umft.ro](mailto:comisiaeticaumft@umft.ro)). The meetings are convened in writing, by virtual means (e-mail, WhatsApp, telephone), by the Chairperson, Vice-Chairperson or Secretary, at the initiative of the Chairperson, who sets the date, time and place where the meeting will take place and the agenda. Documents issued following the meetings can also be signed electronically.
- g) In order to ascertain the nature of the acts notified and the extent to which they constitute misconduct or acts contrary to the UMFVBT Code of Ethics and Professional Conduct, the Committee will carry out a review, including by interviewing the parties and/or witnesses. Persons directly involved and those invited for the review will be convened at least 5 days prior to the meeting, in writing or by electronic means.
- h) The primary evaluation of complaints/grievances, the drafting of written letters to the parties involved in the complaints, the invitation of persons involved in the discussions will be decided during the Committee's meeting, and these discussions may be carried out by teams of at least three Committee members, appointed upon a proposal by the Chairperson and with the approval of the Committee. These teams will include at least one female and one male member, respectively. None of the members of the Committee may be prevented from being a member of the Quorum or the review teams, unless there is a conflict of interest between him/her and the person or persons reviewed.
- i) Persons whose acts are to be reviewed, as well as their department/discipline/division coordinator, will be notified in writing about the initiation of the review of the complaint/grievance, as well as about its results.
- j) In order to review cases of misconduct, members of the Committee have access to all documents related to the allegations to be reviewed. For cases that require travel outside the University, the management will provide financial support, in accordance with the law.
- k) The draft case report, the establishment of the notified misconduct and the proposals for sanctions will be made by the members of the case review team and are subject to discussion and approval within the Quorum. The final report will contain the positions of all members of the Committee, in the form of a common position.



- l) Based on the examinations carried out, the Committee will draw up a Case report regarding the acts which are the subject of the complaint/grievance, which will include the decisions of the Committee. The decisions of the UMFVBT Ethics Committee are endorsed by the University's legal advisor. The Ethics Committee's report is prepared in two copies - one for the Committee and the other for the Senate. A copy of the report will be sent to the parties directly involved in the complaint. The Ethics Committee's report is signed by all members of the Ethics Committee.
- m) Decisions/recommendations will be adopted by a simple majority of the members present, if their number represents at least two thirds of the total members with the right to vote.
- n) The minutes of the Committee's meeting, recorded by the Secretary, will be read and signed by all the members of the Committee present at the meeting.
- o) Sanctions proposed by the Committee are subject to the validation of the Senate, and will be applied by Sanctioning Decision. Sanctions proposed by the Ethics Committee and validated by the Senate will be implemented by the Rector, Dean or Head of Department.
- p) Following the review, the Committee may decide that the elements for proposing/recommending a sanction are not met. In these cases, a response will be prepared and sent to the person who submitted the complaint.
- q) Parties dissatisfied with the Committee's decisions or with the manner in which the measures are or are not applied by the University management may address the Senate of the "Victor Babeș" University of Medicine and Pharmacy of Timișoara within 15 days from the communication of the decision, or, as the case may be, the National Council on Academic Ethics or the Central Honorary College within the Ministry of Education and Research, according to MER order no. 4492/2005, the Committee having the obligation to make available to the Senate all the documentation at its disposal regarding that case.
- r) The work of the Ethics Committee is recorded in the Register of Minutes, and validated by the signatures of the participants. Meetings, team discussions with the parties and deliberations take place in a meeting in which only the members of the Committee and the parties strictly involved are present. Members of the Ethics Committee and any other person who has access to the documents and knows the factual situation have the obligation to maintain the confidentiality of the hearings, deliberations and the content of the documents.

#### **Art.8. Rights of the complainant**

The complainant has the following rights:

- a) The right to confidentiality. If, in the course of the proceedings, it is absolutely necessary to disclose the identity of the complainant to third parties, the complainant will be asked for a written permission in this regard. If the complainant refuses to give his/her permission, further proceedings will be carried out without disclosing his/her identity, insofar as possible. If the proceedings cannot continue without disclosing the identity, and the complainant refuses to give his/her permission, the case will be closed; the complainant will be able to refer the matter to the competent institutions.
- b) The right to be advised on the procedure for submitting a complaint/grievance according to Annex no. 1 hereto;
- c) The right to receive a registration number for the complaint/grievance submitted;
- d) The right to appear before the Committee in person or represented by a lawyer or accompanied by a lawyer, union representative, colleague, parent, witness.



- e) The right to challenge, before the initiation of the review, the authority or capacity of its members to make a correct decision;
- f) The right to submit positions in writing and to propose witnesses;
- g) The right to appeal the decision of the Senate.

#### **Art.9. Rights of the respondent**

The respondent benefits from the presumption of innocence and the following specific rights:

- a) The right to confidentiality. Third party access to the case file during the investigation is prohibited, except for the legal representatives of the parties, and, when the acts are the subject of an official investigation, the authorised state bodies. After the settlement of the case, third party access to the file will be prohibited, with the following exceptions: legal representatives of the parties in case of an appeal; members of the appeal body; authorised state bodies, when the acts are the subject of an official investigation.
- b) The right to appear before the Committee accompanied, if desired, by a representative (lawyer, colleague, witness, union representative, etc.);
- c) The right to challenge, before the initiation of the review, the authority or capacity of its members to make a correct decision;
- d) The right to submit positions in writing and to propose witnesses;
- e) The right to appeal the decision of the Senate.

#### **Art.10. Conflicts of interest**

If one or both parties request the exclusion of a member of the Ethics Committee from the examination of the complaint, citing a conflict of interest, he/she will be allowed or required to withdraw from the examination of the complaint/grievance after the conflict of interest has been established. In case of recusal, the recused member will not participate in the case team nor in the voting of the case report.

#### **Art.11. Committee archive and capitalisation of results**

- a) The Secretary of the Committee is responsible for keeping all the data collected in the case files, whether they have been resolved or not. The archive will be kept for an indefinite period of time, in an appropriate space provided by the University management.
- b) Annually and at the end of the term, the Committee will submit a report to the Senate on its activity.

#### **Art.12. Final provisions**

- a) The Regulation on the organisation and functioning of the Ethics Committee enters into force after it is approved by the Senate of the “Victor Babeș” University of Medicine and Pharmacy of Timișoara.
- b) The Regulation may be amended at the initiative of the UMFVBT management or members of the Ethics Committee, and such amendments will be approved by the Senate.
- c) This Regulation will be analysed and approved by the Senate.



Regulation code: UMFVBT- REG/CEU/90/2020

*Approved by Decision of the Board of Directors no. 29/16536/06.11.2020.*

*Annex to Decision of the Senate no. 165/17456/25.11.2020*

Assoc. Prof. Daniela Radu, MD, PhD.

Ethics Committee

Chairperson

Lecturer Veronica Ciocan, MD, PhD.

Ethics Committee

Vice-Chairperson

Approved by the Legal Department,  
Legal Advisor Codrina Mihaela Levai, PhD.



**Annex to the Regulation on the organisation and functioning  
of the Ethics Committee within  
“Victor Babeș” University of Medicine and Pharmacy of Timișoara**

**Statement template**

**I, the undersigned**

**Relationship with the University:**

- a. Student, form of education, year:
- b. Teaching staff:
- c. Administrative staff:
- d. Collaborator:
- e. Others

**Contact:** address, telephone number, e-mail address:

**Hereby state the following:**

The statement contains data on the course of relevant events (date, place, possible witnesses), the name and relationship with the University of the respondent. If there are witnesses, specify their names, and insofar as possible, contact details, their capacity in the University (students, teaching staff, administrative staff, collaborators, etc.).

**Date of submission of the complaint:**