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Guide for the Gender Equality of Opportunity and Treatment and for the elaboration of the Gender Equality Plan 2022-2025

I. Introductory part

Art. 1. This guide for promoting Gender Equal Opportunities and Treatment and for the prevention of discrimination constitutes the official document of the non-discrimination strategy within the University of Agricultural Sciences and Veterinary Medicine in Cluj-Napoca (USAMVCN). The Guide is based on the current national legislation: the Constitution of Romania; O.G. no. 137/2000 on the prevention and sanctioning of all forms of discrimination; Law no. 202/2002 on equal opportunities and treatment between women and men; Law no. 1/2011 of National Education; Law no. 206/2004 regarding the Ethical Conduct in Scientific Research, Technological Development and Innovation, Intellectual Property Right; Order of M.E.C.T.S. no. 3666/30.03.2012 regarding the approval of the Code of Student Rights and Obligations; The Code of University Doctoral Studies, adopted by H.G. no. 681/2001; Law no. 53/2003 regarding the Labor Code; Law no. 286/2009 regarding the Justice Code, USAMVCN Code of Ethics and Academic Integrity and University Deontology of USAMV Cluj-Napoca, Regulation of the University Ethics Commission (RU26), Internal Order Regulation of USAMVCN (RU3), respectively community legislation: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons, regardless of race or ethnic origin (Racial Equality Directive); Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and employment; Law No. 178/2018 of July 17, 2018 for the amendment and completion of Law no. 202/2002 on Equal opportunities and treatment between women and men; Communication from the European Commission to the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A Union of Equality: Gender Equality Strategy 2020-2025, COM/2020/152 final.

Art. 2. The aim of the Guide is:

- a) preventing and combating discrimination in the academic community;
- b) identification of mechanisms and practices to prevent and combat acts of moral harassment at the workplace;
- c) increasing the awareness of the academic community regarding the principle of equality between citizens, the exclusion of privileges and discrimination in all programs and activities undertaken in the university;
- d) sanctioning of discriminatory behavior, as a result of complaints made to the Ethics Commission of USAMVCN;
- e) carrying out a periodic diagnostic analysis regarding the distribution of women and men in the University's structures (teaching, research, administrative, students from all study programs and specializations), in order to establish Gender Equality Plan (GEP) for the period 2022-2025 and combating discrimination at the institutional level (based on the measures presented in this Guide).

Art. 3. The University of Agricultural Sciences and Veterinary Medicine of Cluj-Napoca considers, evaluates and treats all persons engaged in academic activities or in circumstances related to the University only on the basis of personal skills and qualifications or other criteria relevant to the academic activities or the circumstances in which is placed.

II. General Regulations

Art. 1. Discrimination

(1) Discrimination is defined by the differential treatment of two persons in comparable situations, between which there are no relevant distinctions or the application of equal treatment for persons in different situations.

(2) According to the legislation in force, discrimination implies any difference, exclusion, restriction or preference based on the following criteria: race, ethnicity, gender, religion, social category, beliefs, sexual orientation, belonging to a disadvantaged category, disability, nationality, chronic non-contagious disease, infection, language, age or any other criterion that aims to restrict, remove the recognition, use or exercise, under equal conditions, of human rights and fundamental freedoms or rights recognized by law, in the political, economic field, social and cultural or in any other areas of public life.

Art. 2. Forms of discrimination

(1) The forms of discrimination are: indirect discrimination, victimization, harassment, the order to discriminate, multiple discrimination or violation of the right to personal dignity.

a) **Direct Discrimination** occurs when a person is treated less favorably than another person who was, is or could be in a comparable situation, based on any criterion of discrimination provided by the legislation in force.

b) **Indirect Discrimination** occurs when an apparently neutral provision, criterion or practice disadvantages certain people, based on the criteria provided by the legislation in force, except in cases where these provisions, criteria or practices are objectively justified by a legitimate purpose, and the methods of achieving that aim are appropriate, necessary and proportionate to the aim pursued. Also, it represents any active or passive behavior that, through the consequences it generates, unfairly favors or disadvantages or subjects a person, a group of people or a community to an unfair or degrading treatment compared to others who are in equal situations.

c) **Multiple discrimination** occurs when a person or a group of people are treated differently, compared to another person or group in a similar and comparable situation, based on two or more discrimination criteria.

d) **Harassment** represents any behavior that leads to the creation of an intimidating, hostile, degrading or offensive environment, based on race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, belonging to a disadvantaged category, age, disability, refugee or asylum seeker status or any other criteria. This behavior negatively affects the victim's academic or professional performance, as well as living and working conditions.

e) **Moral harassment** in the workplace represents any behavior exercised with regard to an employee by another employee who is his hierarchical superior, by a subordinate and/or by an employee comparable from a hierarchical point of view, in relation to relationships work, which has as its purpose or effect a deterioration of the working conditions by injuring the rights or dignity of the employee, by affecting his physical or mental health or by compromising his professional future, behavior manifested in any of the following forms: hostile or unwanted conduct ; verbal comments; actions or gestures.

f) **Sexual Harassment** represents any behavior characterized by unwanted sexual advances, the claim of sexual favors and other verbal or physical manifestations of a sexual nature that condition admission/employment, training, evaluation, promotion or participation in university activity.

g) **Psychological harassment** is considered any form of inappropriate behavior that takes place over a period of time, is repetitive or systematic and involves physical behavior, oral or written language, gestures or other intentional acts and that could affect the personality, dignity or physical or psychological integrity of a person.

h) **Victimization** represents any negative treatment from the university, a colleague or a teacher, as a reaction to a previous complaint or legal action regarding the violation of the principle of equal treatment and non-discrimination.

i) **The Disposition to discriminate** is understood as an order received by an employee from a superior or even from the employer, to manifest a discriminatory treatment towards one or more people.

Art. 3. Guaranteeing freedom of expression, the right to opinion and information

(1) Equality between citizens is guaranteed by art. 4 paragraph (2) of the Romanian Constitution: *"Romania is the common and indivisible homeland of all its citizens, without distinction of race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or of social origin"*, as well as art. 16 paragraph (1) of the Romanian Constitution, which guarantees the equality of citizens before the law and public authorities, without privileges and without discrimination, art. 29 of the Romanian Constitution, paragraphs 1-2.

(2) The legal framework of discrimination in the national context is completed by Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, which guarantees respect for human dignity, the rights and freedoms of citizens and the free development of the human personality as supreme values. Government Ordinance no. 137/2000 sanctions any behavior manifested in public, having the character of nationalist-chauvinist propaganda, of inciting racial or national hatred, or aimed at violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive atmosphere, directed against a person, to a group of people or a community and related to their belonging to a certain race, nationality, ethnicity, religion, social category or to a disadvantaged category, their gender or sexual orientation.

III. Reglementation Frame of USAMVCN regarding non-discrimination

Art. 1. Declarations and commitments

- (1) In accordance with the tradition of the University of Agricultural Sciences and Veterinary Medicine in Cluj-Napoca (USAMVCN), this defines the position of the University against discrimination and harassment, which it disapproves of, specifying the process for reporting violations of the provisions of the non-discrimination guide and the prohibitions occasioned by the exercise of rights in accordance with it.
- (2) The University does not agree with anti-Semitism.
- (3) Any provisions contrary to the principle of equal opportunities and treatment, included in individual or collective contracts, internal operating regulations or other internal rules, are null and void.

Art. 2. Domain of applicability

(1) USAMVCN is committed to promoting an environment free of discrimination (sexual or gender-based discrimination, harassment, sexual violence, stalking, harassment or other related misconduct) and assumes responsibility to prevent the occurrence of various forms of discrimination,

to deal in the alleged perpetrators fairly, as well as to investigate reported misconduct. In solving these problems, all members of the University must respect each other in accordance with academic and community values.

(2) This document applies to members of the USAMVCN community (students, master's students, doctoral students, teaching staff and researchers, auxiliary teaching staff, non-teaching staff) and prohibits behaviors that may have a sexual character, race, nationality, ethnicity, language, religion, social category, beliefs, sexual orientation, age, disability, chronic non-communicable disease, HIV infection, political choice, wealth, belonging to a disadvantaged category, family situation or responsibility, trade union membership/activity or on any other criterion aimed at restricting, removing recognition, the use or exercise of rights recognized by law.

(3) Discrimination or harassment of any kind against an individual or a group (sexual, gender-based, psychological, etc.), based on race, national or ethnic origin, ancestry, age, religion or religious denomination, disability, handicap, sex (including pregnancy or maternity), sexual harassment, gender identity, sexual orientation, marital status, parental status, etc. are acts prohibited by national law and will not be tolerated by the university. Any person who is aware of the commission of such acts by the members of the USAMVCN community can address reports to the Ethics and Deontology Commission of the University.

(4) This guide also applies to associated teaching staff, volunteers or third parties who have relationships with USAMVCN. The commission by them of acts or facts of discrimination or harassment outside the activity carried out in and/or for the University entails the termination of collaboration with USAMVCN.

(5) At the USAMVCN level, the elimination of all forms of discrimination is achieved by:

- a) preventing any acts of discrimination, by establishing special measures, including affirmative actions, in order to protect disadvantaged people who do not enjoy equal opportunities;
- b) mediation through the amicable settlement of conflicts arising from acts or facts of discrimination;
- c) sanctioning discriminatory behavior, as a result of complaints made to the University Ethics Commission;
- d) support and assistance in case of harassment and discrimination;
- e) any other method of elimination or prevention of all forms of discrimination.

Art. 3. Commitment regarding equal access to education

(1) USAMVCN recognizes and ensures equal access of all citizens to all levels and forms of higher education, without any form of discrimination, in accordance with the provisions of Law no. 1/2011 of National Education.

(2) According to the principle of non-discrimination, which governs the activity of students within the university community, all students benefit from equal treatment by USAMVCN, any form of harassment or discrimination against students being prohibited.

(3) In accordance with the provisions of the Code of Student Rights and Obligations, the University ensures the right to an objective and non-discriminatory assessment of the skills acquired after completing a course, respecting the discipline sheet, the right to know the scale according to which it was assessed, the right to examination through -an alternative method when the examinee suffers from a medically certified disability, which makes it impossible to present the knowledge learned in the manner established by the course holder, so that the indicated alternative method does not limit the achievement of the examination standards.

(4) In order to objectively and non-discriminatoryly assess the students, the teaching staff must formulate a declaration of abstention in the event that he were to examine a person who is his/her spouse, relative up to the 3rd degree, or with whom has a relationship of affection or a contractual relationship, with the exception of contractual academic research relationships, likely to create an impression of favoritism among other students.

Art. 4. Commitment to diversity and equal employment opportunities

(1) USAMVCN complies with laws and regulations that ensure affirmative action and equal employment opportunity for all employees and job applicants.

(2) Decisions regarding selection and promotion or any other employment criteria are made without regard to: race, national or ethnic origin, ancestry, age, religion or religious denomination, disability or handicap, sex, gender identity (including trans -sexual), sexual orientation, marital status, parental status, atypical hereditary characteristics or any other characteristic or category protected by law.

(3) It is forbidden for a person who is a spouse, a relative up to the 3rd degree or with whom the person has a romantic relationship or a contractual relationship to be part of any competition or evaluation committee within the University, with except for contractual academic research relationships with one of the candidates.

(4) All procedures for the selection, election or appointment of personnel who assume administrative responsibilities must be carried out correctly, being prohibited from receiving, accepting, requesting, giving or offering money, goods or any other benefits or favors in exchange supporting the occupation of an administrative position.

Art. 5. Commitment to guarantee academic freedom

(1) USAMVCN hereby undertakes to respect the principles of academic freedom and believes that intense discussions and debates, access to information, the right to information and freedom of expression, exercised within the limits of the law, are an integral part of the university community.

(2) Members of the academic body must avoid any exploitation, harassment or discrimination of students and must protect their academic freedom.

(3) Within USAMVCN, the following are not included in academic freedom:

a) political propaganda carried out within or in connection with actions of the University or using its infrastructure;

b) religious proselytism;

c) the promotion of extremist, anti-Semitic, misogynist, racist or xenophobic doctrines or ideas;

d) defamation of the university by members of the university community;

e) personal attacks or defamatory statements against other members of the university community.

(4) In the sphere of teacher-student relations, the following facts constitute violations of the obligation of integrity:

a) conditioning or influencing the student's evaluation by any means or criteria other than the professional ones, provided by the regulations;

b) inappropriate behavior, harassment based on political reasons, race, religion, gender, sexual orientation, national origin, marital status, disability and/or medical condition, age, citizenship or other arbitrary or personal reasons;

c) abuse of the power or authority of the teaching staff to influence the reasoning, conscience or expression of a student's opinion for arbitrary or personal reasons;

d) the existence of an extra-professional relationship, of any type, which endangers the integrity of the educational process.

Art. 6. Commitment to guarantee the right of notification

(1) Any member of the university community has the right to express their concerns or make a complaint about discrimination without fear of reprisals.

(2) Any member of the university community who is aware of an act of discrimination or harassment is encouraged to report it immediately.

(3) A person does not have to be the direct target of discrimination or harassment in order to report it.

(4) If the teaching or social-administrative staff are submitted or made aware of complaints regarding discrimination or harassment, they must analyze them immediately.

(5) Any person who believes that he was the victim of such an act or fact has the right and is encouraged to report the incident.

Art. 7. Commitment regarding the reporting of acts or acts of discrimination or harassment

(1) In reporting cases of discrimination or harassment, USAMVCN will take legal steps to ensure the protection of members of the university community and the confidentiality of information and the conduct of investigations related to the complaints made.

(2) USAMVCN through authorized persons, undertakes to respond promptly, fairly and sensitively, carefully, to any reports and complaints of discrimination or harassment.

(3) Upon completion of the process, USAMVCN will take appropriate corrective action, consistent with the results of the investigation, to prevent the conduct from recurring and to correct its effects on the complainant and/or other members of the community.

(4) The interested person (victim of discrimination or simple complainant) will present facts on the basis of which the existence of a form of discrimination can be presumed, and the person against whom the complaint was made bears the burden of proving that there was no violation of the principle equality of treatment.

(5) Conscious misrepresentation, to a significant extent, of the complained of fact may attract the application of disciplinary measures to the complainant. Filing a complaint that does not result in a finding of prohibited conduct is not in itself evidence of intent to file a false complaint.

(6) If the allegations are not proven, reasonable steps will be taken to restore the reputation of the alleged perpetrator of the act of discrimination or harassment, if he has been affected by the procedure.

IV. Applied coordinates regarding the prevention and mediation of acts of discrimination or harassment within the USAMVCN

Art.1 Prevention of acts of discrimination

(1) At the USAMVCN level, the following means can be used to prevent acts of discrimination, without the enumeration being exhaustive:

a) involvement in voluntary activities organized by non-governmental organizations that promote the rights of minorities, persons or disadvantaged categories and combat discrimination, regardless of the criterion on which it is based;

b) the introduction of courses on this topic within the disciplines that address research methodology and ethics;

- c) organizing seminars, workshops on the subject of discrimination;
- d) the development and implementation of policies aimed at ensuring equality of opportunity and treatment within the USAMVCN
- e) promoting the provisions related to equal opportunities and combating discrimination among the academic community, with an emphasis on preventing and mediating discriminatory behaviors, respectively on the reporting tools they have at their disposal;
- f) contributing through dialogue with other members of the university community to the formation of non-discriminatory conduct;
- g) concluding strategic partnerships with institutions or organizations active in the field of equal opportunities and non-discrimination, including with trade unions of teaching staff and student organizations, to promote a more tolerant environment;
- h) the inclusion of courses that promote tolerance and diversity;
- i) development of infrastructure and learning resources for students with disabilities, taking into account their specific needs;
- j) improving the clarity of USAMVCN's internal provisions related to reporting and resolving discrimination cases.

(2) Among the affirmative policies adopted at the USAMVCN level are actions to support the social inclusion of Roma and other people from vulnerable groups by allocating budgeted places, granting social scholarships and special places in dormitories.

(3) USAMVCN may also define and adopt periodic operational strategies and plans to support and protect members of the academic community who are part of vulnerable groups.

Art. 2. Complaints and informal solutions

- (1) A complainant may opt for a formal or informal resolution of the complaint.
- (2) An informal process focuses on stopping discrimination, harassment or other conduct, without pursuing a formal investigation.
- (3) There are various methods available to attempt an informal resolution, these must be tailored to the particular circumstances.
- (4) Methods may include, but are not limited to:
 - a) advising the complainant on how to approach a situation directly;
 - b) assisting the complainant and the department in resolving a real or perceived problem, such as by mediating a resolution within the department or by helping to change a situation in which the offending behavior occurred;
 - c) organizing a meeting with the alleged author to discuss the lines of conduct imposed by the non-discrimination guide.
- (5) Appealing to an informal resolution is not a prerequisite for initiating the formal resolution process.
- (6) In the case of an informal complaint, the accused person will not normally be informed of the action or identity of the complainant without the latter's consent, except where the circumstances so require.
- (7) In cases where the accusations are settled informally, no disciplinary measures will be taken against the alleged author of the act of discrimination, and the accusations will not be recorded in the personal file of the person accused of discrimination or in the student's disciplinary file.

Art. 3. Mediation through the amicable settlement of conflicts arising from acts of discrimination

(1) The parties may resort to mediation, as a means of resolving conflicts amicably, with the help of a third person, under conditions of neutrality, impartiality and confidentiality.

(2) Mediation is effective in the conditions in which it is based on the trust that the parties place in the mediator, as a person capable of facilitating negotiations between them and supporting them in resolving the conflict, by obtaining a solution accepted by both parties, efficient and sustainable.

(3) Mediation can be carried out by resorting to a specialized third person as a mediator or to a qualified person from within the University.

(4) The parties have the right to freely choose their mediator or several mediators, and the mediation must be carried out with respect for the freedom, dignity and private life of the parties.

(5) The mediator must try to reconcile the divergent positions of the parties in an impartial manner and ensure a permanent balance between them.

(6) The mediation procedure is concluded by drawing up a minutes signed by the parties and the mediator, in the following situations:

- a) by concluding an agreement between the parties following the resolution of the conflict;
- b) by the mediator finding that the mediation has failed;
- c) by the non-appearance of one of the parties on the date established in the conciliation invitation.

(7) The mediator cannot impose a solution on the parties regarding the conflict subject to mediation and is obliged to keep confidential the information he becomes aware of in the course of this activity.

(8) The responsibility for mediating and resolving any conflicts arising between the members of the auxiliary teaching staff and for maintaining a climate conducive to teamwork rests with the leading auxiliary teaching staff.

V. Applied coordinates regarding sanctioning of discriminatory or harassing behavior by USAMVCN

Art. 1. Regulations contained in the Code of Ethics and Professional Deontology of the USAMVCN

(1) The University Code of Ethics includes the set of ideals, values, principles, moral norms and rules that the members of the university community adopt and agree to apply in their current activity and which represent the fundamental values on the basis of which the activity of USAMVCN.

(2) Academic freedom presupposes the right of every member of the academic community to openly express their scientific and professional opinions, in courses, seminars, conferences, debates, but also in the works developed, supported or published.

(3) Members of the university community must avoid infringing the freedom of others, show mutual respect for inherent individual differences, impartiality and collaboration in their level of activity, show integrity, honesty and responsibility in all their actions.

(4) USAMVCN encourages intellectual partnership and cooperation in teaching and research, but also a critical approach, regardless of political views or religious beliefs.

(5) They contravene the principles of the University's Code of Ethics:

- a) any discrimination based on sex, religion, origin, nationality, race, etc.;
- b) political propaganda and religious proselytism within or in connection with actions of the University;
- c) promoting in the university space or in association with the actions of the University some

doctrines or ideas of an extremist character - misogyny, feminism, racism, xenophobia, fascism, communism, etc.;

- d) defamation of the University by members of the academic community;
- e) personal attacks or defamatory statements against members of the academic community;
- f) attempts to resolve conflicts or personal grievances through the mass media, before the efforts to resolve them within the academic community;
- g) making disrespectful comments about the professional training of a colleague in front of the students;
- h) formulating in front of the students some comments regarding the moral dress or some aspects related to the private life of a colleague;
- i) advising students not to take a course of a colleague;
- j) the repeated formulation of manifestly unfounded complaints or reports to a colleague;
- k) non-respect of the confidentiality regarding the school, social, medical situation of any student.

Art. 2. Regulations included in the Organization and Operational Regulations of the Ethics Commission of USAMVCN

(1) The EC considers the following as serious deviations from university teaching activity and good conduct in scientific research and which must be firmly sanctioned, according to the legislation in force and this code:

- a) plagiarism of the results or publications of other authors;
- b) fabricating results or replacing results with fictitious data;
- c) entering false information in grant or funding requests;
- d) undeclared incompatibility;
- e) conflict of interests;
- f) harassment defined according to the legislation in force;

(2) The Code of Ethics also establishes other violations that need to be sanctioned.

(3) Any person, from the university or outside the university, may notify the Ethics Commission about misconduct committed by members of the university community in USAMVCN.

(4) Sanctions that can be applied to teaching (teaching and auxiliary teaching) and research and non-teaching staff by the EC for violating university ethics or for deviations from good conduct in scientific research are the following:

- a) written warning;
- b) the reduction of the basic salary, cumulated, when applicable, with the management, guidance and control allowance;
- c) suspension, for a determined period of time, of the right to register for a competition for the occupation of a higher teaching position or a management, guidance and control position, as a member of doctoral, master's or bachelor's committees;
- d) dismissal from the educational leadership position;
- e) demotion from the position, with the granting of the salary corresponding to the position in which the demotion was ordered, for a duration that cannot exceed 60 days;
- f) reduction of the basic salary for a duration of 1-3 months by 5-10%;
- g) reduction of the basic salary and/or, as the case may be, the management allowance for a period of 1-3 months by 5-10%;
- h) termination of the individual employment contract.

(5) The sanctions that can be applied to students and doctoral or postdoctoral students who violate the Code of Ethics or for deviations from the Code of Ethics are the following:

- a) written warning;
- b) suspension of the scholarship for a certain period;
- c) banning access to scholarships for an indefinite period;
- d) withdrawal of the right to stay in dormitories;
- e) other sanctions provided by the Code of University Ethics;
- f) expelling.

(6) The rights of the author of the notification/complaint

- a) to benefit from confidentiality;
- b) to be advised on the submission of a properly prepared notification/complaint;
- c) to receive a registration number for the notification/complaint submitted;
- d) to appear before the CE, accompanied, if he wishes, by a representative;
- e) to formulate a point of view in writing and have meetings regarding the case (if he requests);
- f) to receive a copy after the Case Report.

(7) The rights of the complained person

- a) to appear before the CE accompanied by a representative/proxy;
- b) to formulate a point of view in writing and have meetings during the meeting regarding the case;
- c) to receive a copy after the Case Report.

(8) The sanctions established by the CE are implemented by the Dean or Rector, as the case may be, by decision, within 30 days of the communication of the report.

(9) The decisions regarding the sanctions applied by the CE can be challenged within 30 days from the communication to the competent court according to the legal provisions in force.

Art. 3. Other ways of reporting acts or acts of discrimination or harassment

(1) Any person who considers to be wronged in personal legitimate rights as a result of a competition procedure carried out in the University may appeal to the appeals commissions provided by law or internal rules.

(2) The object of the appeal may be the violation of the regulations regarding the competition, such as the existence of situations characterized by incompatibilities or conflicts of interests, which in fact led to the discrimination of the applicant or a candidate for the competition.

(3) The appeals commissions, as well as any other competent university bodies notified with appeals, must analyze all the issues referred and take the rejection or admission decisions only on the basis of objective criteria.

(4) The resolutions of the appeals commissions can be challenged through administrative litigation, within the terms, conditions and according to the jurisdiction provided by the special law.

Art. 4. Regulations regarding confidentiality

(1) To encourage community members to voice concerns and file complaints, the privacy of all parties will be protected to the greatest extent possible. In all cases, privacy considerations must be balanced against facilitating USAMVCN's ability to investigate and take appropriate action resulting from complaints.

(2) USAMVCN will treat all parties with equal care, respect and dignity and will make every effort to preserve the confidentiality of the parties involved, limiting disclosure of the subject matter of complaints to those with a need to know the facts and to the parties involved, respectively.

(3) Statutory reporting and disclosure requirements may lead to privacy policy limitations governed by the European Data Protection Regulation (GDPR).

(4) During the analysis of the reporting of a violation of the Code of Ethics, third parties will not be allowed access to the file, with the exception of the state bodies empowered to investigate the said deed.

(5) Access by third parties to a file at the Ethics Commission is prohibited even after the assessment of the fact has been completed, with the exception of members of the appeals body, members of the Ethics Council of the Ministry of Education and Research, competent state bodies, when the fact is the subject of an investigation official and respecting data confidentiality.

(6) If a complainant refuses to cooperate in an investigation or requests that his identity not be disclosed to the person against whom he made the complaint or to witnesses, the investigation will be carried out as far as possible on the basis of the information provided, but the ability to respond to the object the claim may be limited.

(7) USAMVCN expects all parties, alleged victims, witnesses, complainants, alleged perpetrators of discrimination, and party counsel involved in an investigation to respect the confidentiality of the investigation. Failure to comply with confidentiality may be punishable by law.

VI. Referral to the National Council for Combating Discrimination

Art. 1. Regulations regarding reporting to the National Council for Combating Discrimination:

(1) The National Council for Combating Discrimination is the state authority in the field of discrimination, autonomous, with legal personality, guarantor of the respect and application of the principle of non-discrimination.

(2) The person who considers himself discriminated against may notify the National Council for Combating Discrimination within one year from the date of the commission of the act or from the date on which he could become aware of its commission.

(3) The petition is addressed to the Council at the e-mail address: support@cncd.org.ro or by post at the address: Piața Valter Mărcineanu nr 1-3, sector 1, 010155, Bucharest.

(4) Through the application addressed to the Council, the person who considers himself discriminated has the right to request the removal of the consequences of the discriminatory facts and the restoration of the situation prior to the discrimination.

(5) The Council resolves the referral by decision of the Board of Directors.

(6) The Board of Directors of the Council orders the specific measures to establish the existence of discrimination, with the mandatory summoning of the parties. The subpoena can be made by any means that ensures confirmation of receipt. The non-appearance of the parties does not prevent the resolution of the complaint.

(7) The investigative action undertaken by the Board of Directors takes place at the institution's headquarters or in another place determined by it.

(8) The interested person will present facts on the basis of which the existence of direct or indirect discrimination can be presumed, and the person against whom the complaint was made bears the burden of proving that there has not been a violation of the principle of equal treatment.

(9) Any means of evidence may be invoked before the Board of Directors, respecting the constitutional regime of fundamental rights, including audio and video recordings or statistical data.

(10) The decision of the Board of Directors to resolve a notification is adopted within 90 days from the date of notification and includes: the names of the members of the Board of Directors who issued the decision, the name, domicile or residence of the parties, the object of the notification and the arguments of the parties, description of the fact of discrimination, the factual and legal reasons that were the basis of the decision of the Board of Directors, the method of payment of the fine, if applicable, the appeal and the term in which it can be exercised.

(11) The decision is communicated to the parties within 30 days of its adoption and takes effect from the date of communication.

(12) The decision of the Board of Directors can be appealed to the administrative court, according to the law.

(13) Decisions that are not challenged within the 15-day period are legally enforceable.

(14) The above provisions shall apply accordingly if the Council ex officio investigates facts or acts of discrimination.

VII. Referral to the court

Art. 1. Regulations regarding court referral

(1) Free access to justice is guaranteed by art. 21 of the Romanian Constitution.

(2) The person who considers himself to be discriminated against may file a request before the competent court to request the annulment of the situation created by discrimination and the restoration of the situation prior to discrimination, according to common law.

(3) The application is exempt from the judicial stamp duty and is not subject to notification to the National Council for Combating Discrimination.

(4) The term for submitting the application is 3 years and runs from the date of the act of discrimination or harassment or from the date when the interested person could become aware of its commission.

(5) The trial of the case takes place with the mandatory summons of the Council.

(6) The interested person will present facts on the basis of which the existence of direct or indirect discrimination can be presumed, and the person against whom the complaint was made bears the burden of proving that there has not been a violation of the principle of equal treatment.

(7) Any means of evidence may be invoked before the court, respecting the constitutional regime of fundamental rights, including audio and video recordings or statistical data.

VIII. The Principle of Transparency

Art. 1. (1) USAMVCN respects the principle of transparency of all categories of information that are of interest to members of the university community, potential candidates, graduates, the institutions with which it collaborates and the general public, ensuring consistent and correct information. This facilitates equal opportunities in the competition and ensures fair access to the University's resources.

(2) It is forbidden to hide, falsify or distort information to which members of the academic community and the general public are entitled.

(3) The selection criteria for teaching, research and administrative positions must be specified with rigor and clarity, the legal provisions being respected and their publicity being ensured.

(4) Students and other beneficiaries of the educational and scientific process have the right to clear information about the evaluation criteria for exams, colloquiums, right from the beginning of the didactic process, as well as explanations regarding the qualifications obtained.

(5) All members of the academic community have the duty and moral obligation to bring to the attention of the University management or the University Ethics Commission any case, act or phenomenon of violation of the moral and ethical norms contained in this Code, this being a beneficial action, of establishment of a climate of trust and stimulation in activity, a sure way of increasing the prestige of the entire academic community.

IX. Final provisions

Art. 1. (1) Members of the academic community are subject to disciplinary liability for non-compliance with the University's Code of Ethics and University regulations, as well as for any acts committed in the university or outside it, which are likely to prejudice the honor and prestige of the profession or of USAMVCN.

(2) Any behavior of a member of the academic community that violates the provisions of the Code of Ethics may be the subject of a complaint or notification regarding the violation of the ethical conduct stipulated by the Code of Ethics of USAMVCN.

(3) The analysis and resolution of reports and complaints related to university ethics is carried out by the University Ethics Commission, in accordance with its Regulation as well as the provisions provided in law no. 1/2011 of National Education.

X. Use of the non-discrimination statement

Art. 10. (1) All departments within USAMVCN that publish materials on non-discrimination must include the following statement: *"The University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca is an institution that promotes equal opportunities and treatment and combats any form of discrimination"*.

This Guide was approved by the Decision of the Administrative Council of USAMVCN no. 4812/04.03.2022 and by the University Senate Decision no. 8478/15.04.2022.



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