

The Code of Professional Ethics in the Evaluation Activities for the Authorisation, Accreditation and Quality Assurance in the Field of Higher Education in Romania

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I. Introduction

The efficiency of quality evaluation and accreditation in the field of higher education depends to a large extent on considering the correspondence between the academic meaning of quality, the dynamics of the educational system, and the beneficiaries' expectations. A clear consistent methodology of quality assurance presupposes that everybody involved in its application shares responsibility. Their acknowledgement of a minimal set of ethical values is a key criterion for the success of quality assurance and accreditation activities in higher education.

Therefore, the ARACIS Council **adopts**

The code of professional ethics in the evaluation activities for the authorisation, accreditation and quality assurance in the field of higher education in Romania

The Code includes a minimal set of principles, values and rules of conduct which must be considered as a benchmark for the activities of institutional quality self-evaluation and external quality evaluation, as well as for the activities of accreditation of higher education institutions. The Code aims at:

- members of the ARACIS Council and of the Advisory Board attached to ARACIS;
- members of permanent speciality commissions;
- ARACIS' evaluators and external collaborators;
- ARACIS' employed staff;
- universities, researchers, students and administrative staff in higher education institutions involved in quality assurance and accreditation activities.

The Code starts from the principles representing the reference framework of ARACIS activity, which are included in the Methodology regarding quality assurance, authorisation for temporary operation and accreditation in the field of higher education:

- European reference;
- Institutional responsibility;
- Institutional diversity;
- Cooperation with all the components of the educational system;
- Result focusing;
- Institutional identity;
- Internal institutional quality self-evaluation;
- External evaluation;
- Quality improvement.

On the basis of these principles, **the Code** aims at promoting that quality culture which contributes to the development of quality higher education, asserted as public inheritance, and worthy of public trust, and to the continuous improvement of life, cultural and economic quality in a European context.

The objectives of the **Code** are:

- Providing ethical reference to everybody involved in quality assurance and accreditation in higher education;
- Assuring transparency in the relations between evaluators and the evaluated, the evaluated and beneficiaries etc.;

- Serving as a support for the development and implementation of quality self-evaluation policies in higher education institutions;
- Assuring the observance of deontological rules in the process of temporary authorisation, accreditation and quality external evaluation;
- Assuring the observance of confidentiality rules regarding the activity carried out at the level of ARACIS Council, of permanent Commissions, independent evaluators, the staff employed and of any collaborator of ARACIS;
- Promoting trust in the implementation of external quality evaluation criteria and procedures in higher education institutions;
- Preventing the dissolution of quality judgment procedures into normative speeches, and classifications which are irrelevant to the main objective of the approach, i.e. the continuous improvement of higher education in Romania and its compliance with the European standards.

As it is a code of ethics and conduct, the document combines the assertion of certain values and principles applicable in the domain of quality assurance, with the institution of certain procedural provisions meant to create a proper environment for the development of activities, and to offer a system of evaluation, correction, contestation and sanction of the infringements of the stipulated values and principles.

The enforcement of the **Code** does not exclude and does not replace the legal rights and obligations provided for by other documents regarding quality assurance and accreditation, nor does it replace other codes of ethics established by higher education institutions or by the Ministry for Education and Research.

The **Code** must be permanently improved and updated according to the beneficiaries' suggestions and to the national and international status quo in the field of quality management and assurance in higher education.

II. The Code

A. VALUES AND PRINCIPLES

In their activity, the people aimed at by this **Code** will honour the following general values and principles:

1. Legality
2. Independence
3. Objectivity
4. Impartiality
5. Transparency
6. Personal responsibility
7. Professionalism
8. Openness to novelty
9. Dialogue and consensus
10. Confidentiality

The commitment to this range of values presupposes that all persons involved in quality assurance in higher education and in accreditation:

1. **Know, understand and fully observe the laws**, regulations and rules applicable to the field of quality assurance in higher education. They consistently use the criteria, standards and performance indicators defined by the official documents regarding: institutional capacity, educational efficiency and quality management.
2. Prove to be **independent** in their activity, do not give in to political, religious, economic, or any other kind of pressure and only accept the legal, scientific and ethical constraints.
3. They distance themselves from any kind of personal relationship and issue conclusions independent of any kind of institutional or personal commitment.
4. Adopt an **objective** attitude in the activity of quality assurance and accreditation. They provide correct information, make statements and express opinions only based on the necessary data and information, beyond any individual emotional evaluation based on preconceived ideas and impressions. They make recommendations and take decisions based exclusively on factual data and precise, thoroughly proved information.
5. Make statements and/or express their opinions **honestly, neutrally and impartially**. They do not apply double standards in the evaluation and do not take sides for or against a higher education institution, other organisation or person involved. They do not discriminate on sexual, ethnic, age, religion etc. criteria in the process of quality evaluation and accreditation.
6. Make efforts towards a maximal **transparency** regarding professional rules, procedures, requirements, evaluation principles etc. They may provide at all times reasons based on consistent and correct information for their opinions expressed and decisions made. They do not hide and alter the evidence found.
7. Assume **personal responsibility** for their expressed opinions and statements made and can prove at all times the agreement between them and the applicable regulations, the internal rules of the organization/institution, the required standards and the factual data. They accept the obligation to account for the activities initiated, their expressed opinions and conclusions, and to be held responsible for the possible failures.
8. Maintain a high level of **professional competence**. They provide consultancy and expertise grounded on well-defined and renowned standards in the field. They are based on a high degree of exigency and professional solidarity and assume the moral obligation of working for quality enhancement. The affiliation to the ARACIS Council or to other international quality evaluation bodies confers on members a professional prestige which they must not use for power reasons. Professional competence also implies **responsible professional care**. As such, those involved in quality evaluation and accreditation activities will have to prove they are good listeners and observers, will treat others with due respect, as they wish to be treated themselves, will take into account the needs and expectations of the evaluators and of the evaluated, such as needs concerning time, communication, work complexity or costs involved.
9. Are **open to new initiatives**, responding to local or regional social change and to the needs of their services' beneficiaries. They facilitate, as much as possible, professional managerial and ethic competition among the institutions and programmes subject to the internal or external evaluation process. Their whole activity is based on an open and participative attitude.
10. Promote **dialogue**, adequately assess the various points of view of the parties involved and try to **harmonize** them by promoting personal dedication and team spirit.

11. Are loyal to the principle of **confidentiality** when supplying, completing, using and assuring access to information in compliance with the accepted rules and procedures. They act discreetly and protect personal and intellectual property data in the activities of self-evaluation, external evaluation and accreditation.

In the process of external evaluation and/or accreditation, the information is posted, disseminated or published only after the ARACIS Council adopts and approves an official declaration or position, after clearly defining the scope of public information and only keeping with the confidentiality requirements previously settled and assumed together with this **Code**, by signing the **Commitment** of adherence to the ethics and confidentiality principles and rules as stipulated in the “Code of professional ethics in the evaluation activities for the authorisation, accreditation and quality assurance in the field of higher education in Romania”, an integrant part of this **Code**.

B. RULES OF CONDUCT

In the spirit of these values and principles, the people aimed at by this **Code** observe the following rules of conduct in their activity:

1. Conflicts of interests

The cases of conflicts of interests result from situations of incompatibility regarding the members of the ARACIS Council, the Advisory Board, evaluators and external collaborators of ARACIS, permanent employees of ARACIS, Council’s invited member students or participants in evaluations, members of higher education institutions involved in institutional self-evaluation. Such persons are in a situation of incompatibility when:

- They are a signatory or co-signatory to the documents, programs and other academic or managerial products of the assessed institution;
- They have participated directly or indirectly in the decisions regarding the evaluation of the academic and managerial performances at issue;
- They are a part of the institution which is about to be evaluated or they are directly or indirectly involved in the evaluated activity;
- They are graduates of a study programme within the evaluated institution;
- They have or used to have relations of academic service provision for the evaluated institution;
- They are related to persons in the institution or directly involved in the programs/activities under evaluation;
- They are related to one or several members of the evaluation commission appointed by ARACIS or, on the contrary, are engaged in a well-known personal conflict with one or more of its members;
- They have been involved in a dispute with the evaluated (course coordinator or somebody in the management of the institution) or have, on previous occasions, taken sides, used double standards and proved they have preconceived ideas in the evaluation of their activities;
- They have gained any kind of advantage or benefit from the evaluated (in kind or of a different nature) for themselves, their family, friends or organization they are part of.

Taking into consideration these recommendations, the people involved will announce any instance of conflict of interests which influences the impartiality and objectivity of the activity.

Those involved in a conflict of interests will previously announce the ARACIS management, shall avoid assuming any responsibility within the external evaluation process and will abstain from expressing their personal opinions and will, under no circumstance, participate in the external evaluation or accreditation procedures.

2. Gains and advantages

Under no circumstance are the persons involved in external evaluation to use their position or function in order to gain personal or institutional advantages (in kind or of a different nature). They must vigorously reject such offers. Higher education institutions will make no pressure upon the external evaluators; they will promote an ethic climate during the activities of quality evaluation and accreditation.

3. Team spirit and intellectual freedom

The people involved in quality assurance and accreditation will observe and encourage freedom of thought and of speech, and will not influence the opinions of other members involved in the external evaluation process other than by reasonable arguments. The decision needs to be democratic, based on cooperation, extensive participation and consensus obtained by previous mediation. The higher education institutions undergoing a process of quality evaluation and accreditation will have various possibilities to freely express their opinions on the quality standards employed, the decisions and recommendations made during the whole external evaluation.

The suggestions made will be taken into consideration by the respective higher education institutions and by the ARACIS Council with a view to improving future practice.

Collaboration, team spirit, consensus and intellectual freedom will be subsumed in the principle of academic autonomy and assumption of a minimum acceptable risk inherent to any process of internal or external evaluation.

4. Intellectual property

During self-evaluation and external evaluation, intellectual property of the persons providing information and documents must be permanently respected. The self-evaluation reports, reviewed documents and requests or applications submitted are entirely or partially the exclusive intellectual property of the applicant (individual or institution). Permanent employees of ARACIS, external evaluators, members of specialty commissions or of the Council, shall avoid the transmission of information and/or documents to any third party.

5. Continuous professional development

The persons involved in quality assurance must permanently improve their professional, managerial and ethic competences linked to the responsibilities resulting from the activities of quality evaluation and accreditation in higher education. They must be abreast of the national and international evolutions in the respective field. They must share their knowledge and experience with other interested colleagues. They must contribute to the increase of the awareness and acceptance of quality standards in the society. They must support all the activities and events which promote a quality and ethics culture in higher education.

6. Work quality

The persons involved in quality assurance and accreditation activities will strive towards excellence in their work. They will give special attention in order to contribute and ensure:

- exhaustiveness;

- intellectual honesty and correctness;
- trustworthy and fair evaluations;
- efficiency of the work of the evaluation agency, committee, commission or team they are part of or which assesses them;
- well-grounded statements and explanations;
- observance of the specific terms stipulated in the regulations and procedures.

7. Communication quality

The persons involved in quality assurance and accreditation activities will cooperate in order to permanently assure efficient communication among each other and with other institutions or persons (private companies, mass media). The key to the successful completion of this desideratum is the communication quality – a good operation of communication channels both vertically and horizontally, the correct, concise, constructive and complete use of clear messages, which are understood and accepted by the parties, transmitted in due time and observed by all participants. The well-argued informational essence of communication will overcome the obstacles of subjectivity and will bring trust, credibility and mutual respect. The conclusions of the evaluation will have a constructive character and will suggest guidelines to be followed for the future quality improvement programs. The confidentiality conditions and other values stipulated in this **Code** will be communicated at the beginning of each collaboration.

During the talks and mediations between the parties, communication will be based on mutual understanding, seeking convergence of opinions, harmony and consensus, with the final goal of improving the quality of educational activity for everyone's benefit.

8. Mutual trust/respect

The entire process of self-evaluation and external evaluation must be built on systematically developed mutual trust and respect. Observing and supervising the above-mentioned values, principles and rules of conduct can contribute to strengthening this trust.

C. INFRINGEMENTS OF ETHICS

The following acts and attitudes will be considered infringements of the code of ethics' principles:

1. Non-observance of the laws and legal regulations in the domain of quality evaluation and accreditation;
2. Non-observance of the procedural rules, professional principles and guidelines regarding self-evaluation and evaluation, as well as of other relevant resolutions;
3. Failure to report a conflict of interests, expression of an opinion in a case of conflict of interests, any kind of involvement or participation in procedures involving a conflict of interests;
4. Distortion of truth concerning ARACIS' activity;
5. Belonging to an agency competing with ARACIS or providing competing activities to the detriment of ARACIS' interests;
6. Using the affiliation to a certain institution, ARACIS or third party or using a certain position with a view to gaining personal or institutional advantages in kind or of another nature;
7. Disclosure of information on a certain case of quality evaluation or accreditation before the publication of an official position by the respective institution or by the

- agency, as well as disclosure at any time of confidential content of the discussions within the institutional self-evaluation or external evaluation committees, or within the evaluation and/or accreditation reports;
8. Violation of intellectual property rights;
 9. Failure to cooperate with other members, obstruction of cooperation among members involved in the process;
 10. Intimidation or any kind of visible pressure (bribe, threats) or less visible pressure (blackmail, influence peddling/interventions) put on the evaluators, members of the ARACIS Council, with a view to influencing self-evaluation, external evaluation or accreditation of a higher education institution.
 11. Defectively carrying out the evaluation mission received.

IV. Structures and mechanisms of enforcement

Acceptance of participation in the quality assurance and accreditation activity implies that everyone involved **knows** and **assumes** this **Code**. At the same time, adequate mechanisms for monitoring the implementation of the **Code** are established.

i) Structures

The *permanent Commission of ethics and moral integrity* (CEIM), attached to the ARACIS Council, is created. The Commission will have the following tasks:

- To monitor the use of the **Code**;
- To receive, investigate and solve the cases of infringement of ethics and incompatibility;
- To mediate the disputes between ARACIS and the institutions subject to external evaluation;
- To draw up annual activity reports regarding the ethic and moral conduct of ARACIS and of the institutions involved in the external quality evaluation and accreditation process in Romania, and to issue improvement recommendations;
- To efficiently and consistently with cooperate with the ethic commissions of higher education institutions and with the Council of academic ethics established within the Ministry of Education and Research to deal with specific issues of ethic conduct in the field of quality assurance and accreditation in the Romanian higher education.

The permanent Commission will be composed of three members, i.e. **a chairman and two members**. A secretariat will manage the documents, correspondence and draw up the minutes of the meetings.

The chairman of CEIM is a member of the ARACIS Council and is elected by open vote for a 3-year period. The other two CEIM members will be elected, one from among the members of the ARACIS Council upon recommendation of the ARACIS Council Board, by open vote, and the other from among permanent employees of ARACIS. In the process of investigation of a certain case of ethics, incompatibility or mediation of a dispute occurred, CEIM shall also co-opt a student, delegated by the students' representative in the ARACIS Council. In situations of incompatibility, the CEIM chairman shall propose to the ARACIS Council Board the temporary replacement of the commission members so as to avoid cases of incompatibility. The following cannot be a part of CEIM:

- Directly involved persons and persons against whom the respective incompatibility case has been opened;
- Persons in situations of conflict of interests in the respective case;

If the CEIM chairman is in a situation of conflict of interests in a certain case, the ARACIS Council will decide the nomination of another chairman only for that case.

ii) Mechanisms of analysis and decision

Mechanisms of analysis and decision will be initiated and implemented for the following situations:

- I. Infringements of ethics within ARACIS;
- II. Disputes between ARACIS and higher education institutions;
- III. Mediations of disputes regarding institutional self-evaluation activities;
- IV. Self-notifications.

I. Infringements of ethics within ARACIS

Reception of notification

Upon a notification or any suspicion of infringement of ethics (bribe or attempted bribe, favouritism, nepotism, subjectivism, conflict of interests, information deficit etc.) an analysis and decision procedure may be initiated by any member of the ARACIS Council or of the advisory board, by an evaluator or external collaborator of ARACIS, or by a representative of the higher education institution. The notification is filed in writing with the CEIM chairman who demands the ARACIS Council or its Board to start the activities of analysing the infringement of the Code of ethics' rules, as well as the settlement of possible cases of incompatibility at the level of CEIM. The ARACIS Council judges by open vote on the launching of the case's settlement procedure, on the mission and composition of CEIM for the respective case, if there are incompatibilities.

Notification of the party

Within 5 days since voting the Council's decision, the defendant will be informed in writing by the CEIM Chairman on the initiation of the procedure. The notice will include the accusation, the endorsing documentation and the members of the dispute settlement commission. The person concerned has the right to request in writing, within 5 days since reception of the notification, the dismissal of a member of the commission provided they bring solid arguments. If this is approved by ARACIS Council, another member will be appointed in the CEIM to investigate the case, and the defendant will receive another written notification thereof. Furthermore, the person suspected of infringement of ethics has the right to express their opinions in front of the CEIM, being announced at least 5 days before the first meeting established. If the person concerned requests the postponement of the hearing 3 days before the set date, a new date will be established. The person will be informed in writing on the consequences of their absence from the scheduled meeting.

Case analysis

The procedure will be conducted by the CEIM chairman. CEIM will meet whenever it is necessary, at ARACIS' headquarters and/or the concerned institution's headquarters, to investigate a situation, but at least once. The meetings will be initiated by the Chairman and all the CEIM members must attend them. Requesting and receiving ARACIS Council's approval, CEIM can, depending on the case, during the investigation, suspend the activity of the persons involved in the investigated case. CEIM can hear any person who can provide information necessary for the settlement of the case. Discussions during the hearings will be friendly and

confidential, aiming at the mediation and amiable negotiation of conflicts. The discussions will be written down and their minutes will be countersigned by the CEIM chairman. The proposals of the CEIM will be made on the basis of the documents made available during the hearings and of the opinions expressed by the commission members. The proposed resolution will be subject to the majority vote of the CEIM.

Resolutions

Upon recommendation of the CEIM, the ARACIS Council can adopt the following resolutions:

- Prescription of a sanction for infringement of ethics;
- Termination of the procedure if there is evidence that no violation has been committed or if the agency is not competent to decide in the matter.

The sanctions that may be given by the ARACIS Council are the following:

- Written warning;
- Temporary dismissal of the guilty person from the evaluation activities, if he/she is a member of the independent evaluators' register;
- Dismissal from the position of member/evaluator/collaborator. This can happen after repeated or serious violation of the **Code's** principles.
- Decrease of salary on a determined period, if the guilty person is a permanent employee of ARACIS;
- Cancellation of the labour contract for the permanent employees of ARACIS in case of repeated or serious violation of the **Code's** principles.

The draft resolution drawn up by the CEIM is submitted by the CEIM chairman to the ARACIS Council for approval. The Council discusses upon it and decides by open vote. The persons involved may not vote and will not attend the vote. In case of written warning, CEIM will publish it within or outside the institution, as the case may be. The person concerned will be notified about the final resolution in writing by the CEIM chairman.

Appeal

If the sanctioned person disagrees with the resolution, he/she can exercise the right to appeal within five days since reception of the sanctioning decision. In this case, the ARACIS Council or its Board may decide either to continue the hearings or to maintain the initial resolution. The opinions expressed will be attached to the final resolution which will be made public.

II. Disputes between ARACIS and higher education institutions

During the external evaluation a higher education institution can:

- signal incompatibilities, conflicts of interests (in this situation the procedure under I. applies)
- dispute the result of the external quality evaluation or of the accreditation request.

In this case:

Reception

Will follow the same stages as in case I. The notification may be submitted within maximum 5 days since the date of the events at issue.

Notification

Will follow the same stages as in case I. At the CEIM chairman's proposal, its composition shall be completed by a member of the ARACIS advisory Commission. The institution concerned will be informed on the CEIM members and has the right to demand in writing, with solid arguments, the dismissal of a member. If the ARACIS Council approves of this, another member will be appointed in the CEIM to investigate and solve the case.

Dispute analysis

The dispute analysis will be carried out, as the case may be, at the headquarters of ARACIS or of the petitioning education institution, within maximum 30 days since initiation of the procedure, by consulting the documents and hearing any person who can provide information related to the case. The analysis and discussions shall be carried out in compliance with this **Code**. They are friendly, confidential, constructive, based as much as possible on objective data and documents. Their purpose is the clarification or reconsideration of the quality evaluation from the perspective of the need of everyone involved for the permanent quality improvement in higher education.

Resolutions

Upon recommendation of the CEIM, the ARACIS Council can adopt one of the following resolutions:

i) *Founded notification*, in which case CEIM can ask the ARACIS Council:

- The renewed analysis of the external evaluation or accreditation file by a new evaluation commission appointed by the Council;
- The annulment of the external evaluation or recommendation of non-accreditation, and the appointment of a new commission for a new round of evaluation. According to the irregularities found, the CEIM can ask the ARACIS Council to:
 - discuss in plenum upon the proved professional and ethic misconduct;
 - sanction the persons involved verbally or in writing;
 - annul the collaboration with the person(s) involved.

ii) *Unfounded notification*, in which case the respective institution will be informed in writing that the notification has not been taken into consideration, specifying the reasons.

Notification

The institution concerned will be notified about the ARACIS Council's resolution in writing, within three days since its adoption by the CEIM chairman. It will contain the main arguments in its favour.

Appeal

As in I. The final result will be made public.

III. Mediations in disputes regarding institutional self-evaluation activities

A higher education institution in which a dispute caused by ethic and moral problems occurred within the institutional self-evaluation, which cannot be amiably solved, out of various reasons, within that institution or with the support of the Council for academic ethics within the Ministry of Education, Research and Innovation, can ask in writing for consultancy and mediation from the CEIM chairman. He will appoint the commission and will obtain the approval of the ARACIS Council for the initiation of the consultancy and mediation

procedure. CEIM will invite to discussions and negotiations any person considered important for the clarification and solution of the respective case. CEIM will mediate the dialogue with professionalism, responsibility and diplomacy, and will try to obtain the agreement of the majority of everyone involved, in order to complete the case in the best conditions.

IV. Self-notifications

CEIM can react to any case of infringement of ethics occurred in the self-evaluation and external evaluation activities, and can propose to the ARACIS Council the initiation of an analysis procedure of the respective case. The procedure will follow the stages I, II, III, as the case may be.

COMMITMENT

of compliance with the principles and regulations of ethics and confidentiality as they are stipulated in the "Code of professional ethics in the evaluation activities for the authorisation, accreditation and quality assurance in the field of higher education in Romania"

The undersigned:

Address:

Phone:

E-mail:

Institution:

.....

Position:

As

Hereby declare that during all the activities carried out for and on behalf of ARACIS, in which I am directly or indirectly involved, I shall fully observe the principles and rules of confidentiality as they are stipulated in the "**Code of professional ethics in the evaluation activities for the authorisation, accreditation and quality assurance in the field of higher education in Romania**". I agree that, in case I am proved to carry out activities for competing agencies, I should lose the position occupied within ARACIS.

Signature:

Date:

STATEMENT/COMMITMENT

In order to avoid conflicts of interests

(shall be filled in and signed in September each year by all Council members and evaluators of ARACIS)

The undersigned Prof./Reader, Ph.D., with basic teaching load at (the accredited higher education institution), declare the following:

- during the past 3 (three) academic years (including the current academic year) have had the quality of associated teaching staff at the following higher education institutions:

.....
.....
.....;

- for the following academic year I have expressed my agreement/availability (by means of a written document or any other form) to act as teaching staff (regardless of the type of employment) at the following higher education institutions:

.....
.....
.....

I undertake to fully and clearly observe and apply the provisions stipulated in the "External evaluation methodology, standards, reference standards and list of performance indicators of ARACIS", as well as in all other documents (Guides etc.) used in the process of quality evaluation and assurance in higher education. I understand to promote and apply these provisions in my activity, at the institution(s) where I carry out my teaching activity, with the basic teaching load and/or as associate professor, as well as at the institutions where I will be appointed as ARACIS evaluator.

At the same time, I undertake to propose to ARACIS, as the case may be, measures of improving the "Methodology" and the other documents, resulted from my evaluator expertise, without making any unfavourable comments upon their provisions in the relations with persons within the evaluated higher education institutions or within the proper institution.

By signing this statement/commitment, I undertake not to participate in the evaluations carried out in higher education institutions where I developed teaching activities within the past 3 (three) academic years or where I undertook to develop such activities in the following academic year, nor in the adoption of the Commissions' or Council' decisions related to them.

I hereby agree that, in case of non-observance of this commitment, I should be considered incompatible with the quality evaluation procedures promoted by ARACIS and, consequently, expunged from the Agency's Experts Register.

Date.

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Signature

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