

GUIDE FOR COMBATING DISCRIMINATION AND PROMOTING EQUAL OPPORTUNITIES

Annex to HCA no.18.06.2025

PREAMBLE

This guide to combat discrimination and promote equal opportunities covers all programmes and activities of an educational nature, aspects related to recruitment or employment, as well as those related to admission or other social-administrative services provided to students (scholarships, accommodation, canteen, facilities for cultural and sporting activities, etc. The Guide is without prejudice to the freedom of religion and the autonomy of religious denominations, as regulated by Law No 489/2006 on freedom of religion and the general regime of religious denominations, and to the issues related to the double subordination of theological faculties. The exchange of opinions of a doctrinal or dogmatic nature, activities of worship or research, as well as theological dialogue, cannot be considered religious proselytism.

The University "Aurel Vlaicu" University of Arad, manages relations with members of the academic community and with all persons involved in academic, administrative activities or circumstances related to the university strictly from the point of view of their abilities, competences and personal qualifications. In light of the above, equal educational, admission, and employment opportunities for minorities, people with disabilities, vulnerable and/or disadvantaged individuals, and all legally recognised genders are guaranteed within the university community through positive action to ensure equal opportunities. Under European rules, a difference of treatment based on a protected characteristic does not constitute discrimination where, having regard to the nature of the educational or occupational activities concerned or the context in which they are pursued, such a characteristic constitutes a genuine and determining occupational requirement, provided that its objective is legitimate. The requirement is proportionate to the aim pursued.

The purpose of this guide is to reaffirm the commitment of the "Aurel Vlaicu" University of Arad to equal opportunities and to promote a safe educational and professional university environment, by preventing any acts of discrimination, harassment or unequal treatment, prioritising mediation through amicable conflict resolution and providing assistance and support measures or applying sanctions, where necessary.

I. GENERAL PROVISIONS

Art. 1. (1) These guidelines constitute an essential component for the proper functioning of the institution and the development of a motivating organisational climate based on fairness at "Aurel Vlaicu" University of Arad. Through the set of internal documents, the higher education institution affirms its policies to prevent any form of discrimination or differential treatment at the level of the academic community of the "Aurel Vlaicu" University of Arad.

(2) Under the principles laid down by the Law on Higher Education and all the relevant normative acts, the present guidelines state the university's position against all forms of discrimination and harassment, which it prevents and combats, defines and prohibits, specifying the process of reporting violations of the provisions of the guidelines, cases of discrimination and harassment and the way to exercise rights under it.

II. REGULATORY FRAMEWORK

a) European/international legislative context:

- European Union Strategy on Gender Equality 2020-2025;
- Convention for the Protection of Human Rights and Fundamental Freedoms (1950);
- Revised European Social Charter;
- Charter of Fundamental Rights of the European Union;
- Directive (EU) 2023/970 of the European Parliament and of the Council on strengthening the principle of equal pay for equal work or work of equal value for men and women through pay transparency and enforcement mechanisms;
- Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).
- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial 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 occupation;
- 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: A Strategy for Gender Equality 2020-2025, COM/2020/152 final;
- The Treaty on European Union (Article 2 and Article 3(3) enshrine the right to equality between women and men as one of the essential values of the Union);
- Treaty on the Functioning of the European Union (Articles 8 and 10 require the Union to aim to eliminate inequalities and to promote equality between women and men and to combat discrimination based on sex in all its policies and activities).

b) National legislative context:

The present guide is an official document of the non-discrimination policy within the "Aurel Vlaicu" University of Arad and is elaborated based on the national legislation indicated below, without the normative acts listed having a limitative character:

- The Constitution of Romania;
- Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished with subsequent updates ;
- Law No 202/2002 on equal opportunities for women and men, republished with subsequent updates;
- Law No 183/2024 on the status of research, development and innovation personnel;
- Law No. 199/2023 on higher education ;
- Law No. 198/2023 on pre-university education;
- Order of the Minister of Education no. 4394/2024 on the approval of the Code of Student Rights and Obligations;
- Order of the Minister of Education no. 3020/2024 on the approval of the Framework Regulation on doctoral studies;
- Order of the Minister of Education No. 4043/2024 approving the Code of Conduct for the prevention and sanctioning of xenophobia, radicalisation and hate speech;
- Law No. 53/2003 on the Labour Code republished, with subsequent amendments and additions;
- The Order issued by the Minister of Education and the Minister of Health under no. 1502/2024 on the approval of the procedure for granting medical opinions for the exercise of teaching or auxiliary teaching functions and the model medical certificate for the appointment to a teaching or auxiliary teaching function in higher education;
- HG No 970/2023 for the approval of the Methodology on preventing and combating harassment based on sex, as well as moral harassment in the workplace;
- GD no.1.547/2022 for the approval of the National Strategy on the promotion of equal opportunities and equal treatment between women and men and the prevention and combating of domestic violence for the period 2022-2027;
- GEO 67/2007 on the application of the principle of equal treatment between men and women in occupational social security schemes;
- National strategy on promoting equal opportunities and equal treatment between women and men and preventing and combating domestic violence for the period 2021-2027;
- Gender Equality Plan prepared by the General Secretariat of the Government for the period 2023-2027.

c) Institutional background incident:

- The Charter of "Aurel Vlaicu" University of Arad;
- The UAV's Code of University Ethics and Deontology;
- Code of ethics of scientific research;
- The rules of organisation and functioning of the University Ethics Commission;
- Internal Regulations of the UAV.

III. SCOPE

Art. 2. (1) This Guide covers:

- a) preventing and combating discrimination in the academic community of UAV Arad;
- b) raising awareness among the members of the academic community about the importance of applying the principle of equality among citizens, exclusion of privileges and discrimination in all programmes and activities carried out in the University;
- c) the application of legal measures to sanction discriminatory behaviour, following complaints registered at the University Ethics Commission and the level of the Commission for receiving and solving cases of harassment within the "Aurel Vlaicu" University of Arad;
- d) identifying mechanisms and practices to prevent and combat acts of moral harassment in the workplace;
- e) carrying out a regular diagnostic analysis on the gender ratio in the university's structures (teaching, research, administrative, students from all programmes and specialisations), to integrate the gender perspective according to the Gender Equality Plan (GEP) for the period 2023-2027 and to fight discrimination at the institutional level.
- f) developing an organisational culture based on non-discrimination, equal opportunities, inclusion, diversity and the removal of any form of harassment.

Art. 3. The "Aurel Vlaicu" University of Arad considers, treats and evaluates all persons involved in academic activities or in circumstances related to the University solely based on their personal competences, qualifications or, where appropriate, other criteria relevant to the academic activities or circumstances in which they find themselves.

Art. 4. (1) To ensure equal rights and equal opportunities and to eliminate possible imbalances in treatment, "Aurel Vlaicu" University of Arad assumes the following principles:

- (a) the principle of inclusion;
- (b) the principle of diversity;
- (c) the principle of gender equality;
- (d) the principle of transparency and integrity;
- (e) the principle of academic freedom;
- (f) the principle of equity;
- (g) the principle of respect for the rights and freedoms of members of the academic community;
- (h) the principle of guaranteeing the cultural identity of all members of the academic community and intercultural dialogue;
- (i) the principle of assuming, promoting and preserving the national identity and cultural values of the Romanian people;
- (j) the principle of recognising and guaranteeing the rights of persons belonging to national minorities, the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity;
- (k) the principle of equal opportunities and non-discrimination;

Art. 5. (1) The principle of inclusion implies the promotion of a culture based on respect for dignity, equality, differences and the elimination of stereotypes, discrimination, harassment and

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violence in any form; in the process of education, it guarantees respect for the status and rights of all persons so that they may benefit from equal treatment with others.

(2) The University "Aurel Vlaicu" University of Arad endeavours **to cultivate a culture of inclusion, where** individuals from different backgrounds and with different beliefs can create an environment based on mutual respect, learning from each other and becoming better equipped to participate in an ever-widening marketplace of ideas.

(3) The policies adopted at the "Aurel Vlaicu" University of Arad include actions to support the social inclusion of Roma and other vulnerable groups through the allocation of budgeted places, social scholarships and special places in dormitories.

Art. 6. (1) The principle of diversity supports the promotion of mutual respect and a framework that integrates cultural, religious or ideological differences; taking initiatives that enhance the understanding of diversity and, consequently, the transfer of knowledge.

(2) The principle of diversity in the university is a fundamental concept in modern higher education, which promotes respect, inclusiveness and the valuing of differences between people. This principle aims to create an academic environment in which students, teaching and support staff, regardless of their ethnic origin, race, religion, gender, sexual orientation, disability, socio-economic status, or personal beliefs, feel respected, accepted, and supported.

Art. 7. (1) The principle of gender equality implies the promotion of practices and policies that ensure balanced representation at all levels of decision-making; the promotion of institutional processes that ensure equal and effective opportunities and access throughout the career path in the institution (from recruitment to career development);

(2) The "Aurel Vlaicu" University of Arad complies with laws and regulations designed to ensure affirmative action and equal employment opportunities for all employees and job applicants equal access to studies for any candidate. Selection and promotion decisions or any other employment criteria, i.e. admission to studies, shall be made without regard to sex/gender identity (including transgender), sexual orientation, marital status, parental status, atypical hereditary characteristics or any other characteristic or category protected by law.

Art. 8. (1) The Transparency Principle of Integrity guarantees the development of practices that ensure institutional transparency through the application of the principles of excellence, equal opportunity and diversity.

(2) Discrimination and harassment compromise the integrity of the university and unfairly interfere with the opportunity for all persons to participate fully in the academic, work and living environment of the institution. The University believes that every member has a responsibility to understand that the principle of transparency and integrity in the university is a fundamental pillar in the ethical and accountable functioning of higher education institutions. This principle aims to promote honesty, fairness and accountability in all academic, administrative and research activities.

Art. 9. (1) The principle of academic freedom guarantees the development and encouragement of critical and creative thinking by protecting freedom of expression; promoting a healthy and safe working environment. Based on academic freedom, UAV Arad is a space

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free from political, religious and economic interference, pressures and constraints, except for scientific, legal and ethical constraints.

(2) The "Aurel Vlaicu" University of Arad is committed to ensuring that the principles of academic freedom are respected and considers that intense discussion and debate, 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.

(3) The educational process is based on the free exchange of ideas, and therefore, these guidelines should not be interpreted in such a way as to limit the right to free expression. Students have the right to express their academic opinions freely within the educational institution.

(4) The rules of conduct are established without prejudice to the right to freedom of opinion, freedom of expression and academic freedom.

(5) According to the Code of Ethics of the University, the following do not fall within the framework of academic freedom and have no place in the university space: a) propaganda of a political nature carried out within or in connection with actions of the University or using its infrastructure; b) religious proselytism; c) promotion of doctrines or ideas of an extremist, anti-Semitic, misogynist, racist or xenophobic nature; d) defamation of the University by members of the University community; e) personal attacks or defamatory statements against other members of the University community.

Art. 10. (1) The principles of fairness, non-discrimination and equal opportunities guarantee access to learning opportunities without discrimination of any kind, under their potential and aspirations, and with the establishment of support measures to ensure access for groups at risk.

(2) The University **shall ensure equitable access to study programmes without any form of discrimination** to citizens of Romania, as well as to citizens of the Member States of the European Union, citizens of the States belonging to the European Economic Area and the Swiss Confederation, and British citizens and members of their families as beneficiaries of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community 2019/C 384 I/01.

(3) Admission to undergraduate study programmes shall be conducted under **the principles of equity and equal opportunities**, with access to learning opportunities being achieved by putting in place support measures to ensure access for young people regardless of their background and for those from groups at risk.

(4) *The organisation and functioning of the higher education system shall be based on the fundamental principle of non-discrimination and equal opportunities.* Any form of discrimination as defined in Art. 2 para. (1) of Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions, direct or indirect, individual or group, is strictly prohibited within the Faculty/Department.

(5) **Discrimination of any kind**, according to the criteria set out in art. 2 para. (1) of Government Ordinance no. 137/2000, republished, with subsequent amendments and additions, **found at the**

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level of all technical-administrative, academic, decision-making and executive processes, constitutes disciplinary misconduct or deviation from the rules of ethics and professional deontology of higher education institutions and entails civil, contravention or criminal liability, as appropriate, under the law.

(6) the principles governing the activity of students within the university community, including the **principle of equal opportunities and non-discrimination**, according to which all students shall receive equal treatment by the higher education institution. *Any direct or indirect discrimination against students is prohibited.*

(7) Within the University and in all its organisational components, **activities which:**

(a) violate the general norms of morality of the University community;

b) may jeopardise the health and physical or psychological health and integrity of students/students, teaching, auxiliary teaching and administrative staff respectively;

c) consists of psychological violence - bullying, *when according to the provisions of Law no. 199/2023 on higher education – ANNEX, pct. 68, the action or series of physical, verbal, relational and/or cyber-physical actions, behaviours that take place in spaces intended for education and vocational training, committed intentionally and involving an imbalance of power; have as a consequence the violation of dignity or the creation of an intimidating, hostile, degrading, hostile, degrading atmosphere, humiliating or offensive, directed against a person or group of persons, and concern aspects of discrimination and social exclusion, which may be related to belonging to a particular race, nationality, ethnic group, religion, social category or to a disadvantaged group or beliefs, sex or sexual orientation, personal characteristics.*

d) consist in sexual harassment, *when, according to the provisions of the Law no. 199/2023 on higher education - ANNEX p. 34, there is repeated claiming of favours of a sexual nature in a work relationship or a relationship between higher education staff and students, if the victim has been intimidated or put in a humiliating situation.*

e) consist of any *direct or indirect discrimination* against an employee, discrimination by association, harassment or victimisation, based on the criteria of race, nationality, ethnicity, colour, language, religion, social origin, genetic features, sex, sexual orientation, age, disability, non-contagious chronic disease, HIV infection, political choice, family situation or responsibility, trade union membership or activity, membership of a disadvantaged group, is prohibited. Any act or practice of distinction, exclusion, restriction or preference based on one or more of the criteria referred to in paragraph 1 *shall constitute direct discrimination.* (2), which has the purpose or effect of denying, restricting or nullifying the recognition, use or exercise of rights provided for in labour law. ¹Direct discrimination occurs when one person is treated less favourably than another person who has been, is or could be in a comparable

¹ The 'less favourable' treatment is established by comparing the alleged victim with another person who does not have the protected characteristic in a similar situation. European and national courts have accepted the notion of discrimination by association, where a person is treated less favourably because of their association with another person who has a 'protected characteristic'.

situation, on the basis of any of the criteria for discrimination laid down by the legislation in force.

Indirect discrimination shall be taken to be any apparently neutral provision, action, criterion or practice which has the effect of putting one person at a particular disadvantage compared with another person, unless that provision, action, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are proportionate, appropriate and necessary.

Discrimination by association shall consist of any act or practice of discrimination against a person who is associated or is presumed to be associated with one or more persons of the following categories: race, nationality, ethnic origin, colour, language, religion, social origin, genetic features, sex, sexual orientation, age, disability, non-contagious chronic illness, HIV infection, political opinion, family status or responsibility, membership or activity in a trade union, membership of a disadvantaged group. Multiple discrimination occurs when a person or a group of persons is treated differently compared to another person or group in a similar and comparable situation based on two or more grounds of discrimination.

Intersectional discrimination refers to a situation in which there are two or more discriminatory criteria operating simultaneously and interacting inseparably with each other and may produce certain types of discrimination, specific situations faced by persons with these characteristics. Any behaviour which consists of ordering, written or verbally, a person to use a form of discrimination against one or more persons is considered discrimination.

Harassment is any conduct that creates an intimidating, hostile, degrading or offensive environment, on grounds of race, nationality, ethnicity, language, religion, social group, belief, gender, sexual orientation, membership of a disadvantaged group, age, disability, refugee or asylum-seeker status or any other criterion which has the effect of violating the dignity of the person concerned and creating an intimidating, hostile, degrading, humiliating or offensive environment.

Psychological harassment at the workplace is any behaviour towards an employee by another employee who is the immediate superior, a subordinate and/or a hierarchically comparable employee, in employment relationships, which has the purpose or effect of impairing the employee's working conditions by violating the employee's rights or dignity, harming the employee's physical or mental health or compromising the employee's professional future, manifested by any of the following forms: hostile or unwelcome conduct; verbal comments; actions or gestures.

Sexual harassment is any conduct characterised by unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature which is a condition for admission/hiring, training, evaluation, promotion or participation in academic work.

Psychological harassment is considered to be any form of inappropriate behaviour which occurs over a period of time, is repetitive or systematic and involves physical behaviour, oral or written language, gestures or other intentional acts and which may affect a person's personality, dignity or physical or psychological integrity.

Harassment and incitement to discrimination by any means against a category of persons shall be considered a criminal offence and punishable as such.

An instruction to discriminate is understood as an instruction received by an employee from a superior or even from the employer to discriminate against one or more persons.

Victimisation is any adverse treatment in response to a complaint or referral to the competent bodies, or to legal action in respect of a breach of legal rights or of the principle of equal treatment and non-discrimination. Victimisation is any adverse treatment by the university, a colleague or a teacher in response to a previous complaint or legal action concerning a breach of the principle of equal treatment and non-discrimination.

It shall not constitute discrimination to exclude, differentiate, restrict or favour a particular job where, by reason of the specific nature of the activity in question or of the conditions under which the work is carried out, there are certain essential and determining occupational requirements, provided that the aim is legitimate and the requirements are proportionate.

(8) Any verbal or written instruction to a person to discriminate against one or more persons shall be deemed to be discrimination.

(9) It shall not constitute discrimination to exclude, differentiate, restrict or favour particular employment where, by reason of the specific nature of the activity in question or of the conditions under which the activity is carried out, there are certain essential and determining occupational requirements, provided that the aim is legitimate and the requirements are proportionate.

(10) Students with disabilities shall enjoy equal treatment as regards career development, having:

- (a)** the right to appropriate conditions for carrying out academic, social, cultural and administrative activities in higher education institutions;
- b)** the right to support in identifying and undertaking specialised practice;
- c)** the right to have access to appropriate information and communication services
- d)** the right to participate in student camps under the legal provisions.
- e)** the right to an objective and non-discriminatory assessment of the learning outcomes acquired after the completion of a subject, under the subject description, and the right to know the scale according to which they have been assessed
- f)** the right to guidance in seeking counselling and/or reporting unethical behaviour, to manage ethical risks;

(11) The University ensures equitable access for all students to learning opportunities offered by national and international mobility programmes and takes active measures against obstacles to physical or virtual mobility for at-risk, disabled or non-traditional students.

(12) The mission of the University is to generate, certify and transfer knowledge, *by guaranteeing in the educational process respect for the status and rights of all persons, so that they have the opportunity to benefit from equal treatment with others.*

Art. 11. (1) The provisions of the Guidelines shall apply at the level of the academic community, at the level of each department within the faculties of the "Aurel Vlaicu" University, student

associations, administrative structures, research institutes and other structures/entities of the UAV, including at the individual level for all categories of subjects.

(2) UAV is committed to promoting an environment free from discrimination (sexual or gender discrimination, harassment, sexual violence, stalking, harassment, harassment or other related behaviours) and takes responsibility for preventing the occurrence of various forms of discrimination, dealing fairly with alleged perpetrators, and investigating reported misconduct. In dealing with such matters, all members of the University must respect each other under academic and community values.

(2) The provisions of these guidelines apply to members of the UAV community (students, master's and doctoral students, teaching and research staff, auxiliary teaching staff and non-teaching staff) and prohibit behaviour that may be of a sexual, racial, national, ethnic, linguistic, religious, social category, beliefs, sexual orientation age, disability, chronic non-communicable disease, HIV infection, political choice, property, membership of a disadvantaged group, family situation or responsibility, trade union membership/activity or any other criterion which is intended to restrict or eliminate the recognition, recognition, use or exercise of rights recognised by law.

(3) Discrimination or harassment of any kind against any person or group on the grounds of race, national or ethnic origin, age, religion or religious denomination, disability, handicap, disability, sex (including pregnancy or maternity), sexual harassment, gender identity, sexual orientation, marital status, parental status, etc., **is prohibited by national law and will not be tolerated by the University**. Any person who becomes aware of the perpetration of such acts by members of the UAV academic community may address complaints to the University Ethics Commission.

(4) The Guidelines also apply to associate teaching staff, volunteers or third parties who have dealings with our institution of higher education. Any acts of discrimination or harassment committed by them outside the activity carried out in and/or for the University shall result in the termination of their collaboration with the "Aurel Vlaicu" University of Arad.

(5) The "Aurel Vlaicu" University acts for the elimination of all forms of discrimination through an approach aimed at:

- (a) actions to prevent any acts of discrimination, by establishing special measures, including affirmative action, for the protection of disadvantaged persons who do not benefit from equal opportunities;
- b) sanctioning discriminatory behaviour, following complaints made to the University Ethics Commission;
- c) support and assistance activities in cases of harassment and discrimination;
- d) any other method of eliminating or preventing all forms of discrimination.

IV. REGULATORY FRAMEWORK OF "AUREL VLAICU" UNIVERSITY ON NON-DISCRIMINATION

Art. 12. Declarations and commitments

(1) The University "Aurel Vlaicu" University of Arad assumes its stance against discrimination and harassment, which it disapproves of, specifying the process for reporting violations of the provisions of the non-discrimination guidelines and the prohibitions resulting from the exercise of rights under it.

(2) The "Aurel Vlaicu" University of Arad is committed to the tradition of free thought, academic freedom, the recognition of fundamental human rights and freedoms, political pluralism, democratic values, ethics, transparency of its decisions and activity, as well as to the principles of the supremacy of law, representativeness and proportionality. The university community is open, without any discrimination, to Romanian and foreign citizens who hold the appropriate qualifications. Members of the university community enjoy freedom of conscience and freedom of expression, exercising their functions without discrimination or repression.

(4) Any provisions contrary to the principle of equal opportunities and equal treatment included in individual or collective contracts, internal operating regulations or other internal rules shall be null and void.

Article 13. The educational institution's commitment to equal access to education

(1) UAV recognises and ensures equal access to all citizens to all levels and forms of higher education, without any form of discrimination, under the provisions of the Law on Higher Education No. 199/2023 with subsequent updates and additions.

(2) Under the principle of non-discrimination, which governs the activity of students in the university community, all students receive equal treatment from UAV, and any form of harassment or discrimination against students is prohibited.

(3) UAV shall ensure the right to an objective and non-discriminatory assessment of the competences acquired after the completion of a course, in compliance with the subject specification, the right to know the criteria according to which the assessment was made, the right to examination by an alternative method when the examinee suffers from a medically certified disability that prevents him/her from presenting the knowledge in the manner set by the course holder, so that the alternative method does not create barriers to achieving the examination standards.

(4) The Code of Ethics details how to conduct ethical relationships in the professional environment involving members of the university community (bachelor's degree students, master's degree students, doctoral students, teaching and research staff, auxiliary teaching staff, non-teaching staff). Under the principles and values promoted, according to the University's Code of Ethics, discrimination or unequal treatment of members of the University community, based explicitly or implicitly on extra-professional criteria such as race, gender, ethnicity, religion, membership of minority groups, political beliefs, personal orientation and preferences, etc. are prohibited and constitute violations of the obligations of justice and equity. Likewise, extra-professional criteria may not be used in the university community to cause reverse discrimination.

Art. 14. Commitment to diversity and equal opportunities in employment

(1) UAV complies with laws and regulations that ensure affirmative action and equal employment opportunities for all employees and applicants.

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

(3) In the VAU, it is prohibited for persons who have the status of spouse, relative or affinity up to and including the third degree to serve on any competition or evaluation committee within the institution. (4) For the selection, election or appointment of staff with administrative responsibilities, it is prohibited to receive, accept, solicit, offer or give money, goods or other benefits or favours in support of the filling of an administrative position.

(5) It shall not constitute discrimination to exclude, differentiate, restrict or favour a particular job where, because of the specific nature of the activity in question or of the conditions under which the activity is carried out, there are certain essential and determining occupational requirements, provided that the aim is legitimate and the requirements are proportionate.

Article 13 - Commitment to guarantee academic freedom

(1) UAV has laid down in its Charter the principle of academic freedom, which it undertakes to respect, considering that access to information, the right to information and freedom of expression exercised within the limits of the law are elements that contribute to the development of a values-oriented organisational culture.

(2) Any form of exploitation, harassment or discrimination on the grounds of politics, race, religion, gender, sexual orientation, national origin, marital status, disability and/or medical condition, age, nationality or other arbitrary or personal grounds is prohibited in the VAU,

(3) Do not fall within the framework of academic freedom and as such are not permitted on the UAV campus:

- (a) political propaganda;
- b) religious proselytism;
- c) promotion of extremist, anti-Semitic, racist or xenophobic ideas;
- d) damaging the image of the institution by members of the university community;
- e) personal attacks, harassment or defamatory statements against other members of the University community.

(4) In faculty-student relations, the following acts constitute violations of the principle of integrity:

- (a) Conditioning or influencing the student's evaluation by means or criteria other than those prescribed in the regulations;
- b) inappropriate behaviour, manifested by discrimination, harassment on political, racial, religious, gender, sexual orientation, national origin, marital status, disability and/or medical condition, age, nationality or other arbitrary or personal grounds;
- c) abuse of power or authority by a teacher to influence a student's beliefs, conscience or expression of opinion for arbitrary or personal reasons;
- d) the use by the persons being assessed of materials used in the assessment process which were not developed by them or the use of the same materials by them for different assessments, as

well as by not disclosing a family relationship up to and including the third degree of kinship with the assessing teacher.

(5) The following are also prohibited:

(a) discrimination in assessments based on race, nationality, ethnicity, language, religion, social category, beliefs, sex, sexual orientation, age, disability, non-contagious chronic disease, HIV infection, belonging to a disadvantaged category or any other criterion provided by law;

(b) any form of exploitation, harassment of any kind or discrimination on any ground such as politics, race, religion, sex, sexual orientation, national origin, marital status, disability and/or medical condition, age, nationality or any other criteria laid down by law, or any other arbitrary or personal grounds;

Art. 14. Undertaking to guarantee the right to notification

(1) Any member of the University community has the right to make a complaint of discrimination without fear of reprisal.

(2) In order to report an act of discrimination or harassment, a person must not be the direct target of such action.

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

(4) Any act that constitutes a breach of the Code of University Ethics by violating fundamental principles, falling within the area of discriminatory behaviour, harassment and bullying may be complained in writing and lodged with the UAV Registrar.

(5) The following behaviours contrary to the principle of collegiality, which implies respect and courtesy due to each member of the university community, as well as mutual respect for linguistic, religious, and social differences, understanding, respect and support for people with special needs, are prohibited:

(a) discrimination, harassment, use of physical or psychological violence, offensive language or abuse of authority towards a member of the University community (student, teaching or research staff, member of the University management, member of administrative staff);

b) the promotion or toleration of such behaviour by the heads of faculties, departments or administrative divisions;

c) Repeatedly making complaints or unfounded allegations against a colleague.

Art. 15. Undertaking to report acts of discrimination and harassment

(1) In the case of reports of discrimination or harassment, legal measures will be taken to ensure the protection of members of the University community, the confidentiality of information and the conduct of the investigation process.

(2) Through the authorised persons and the tools at its disposal, UAV is committed to responding objectively and promptly to complaints of discrimination or harassment.

(3) After the process, under the results of the investigation, appropriate action will be taken within a legal framework to remedy the effects on the complainant and/or other members of the community and to prevent a recurrence of the behaviour.

(4) The professional conduct of auxiliary teaching staff of the University requires as imperative principles: a) ensuring equal treatment of third parties, auxiliary teaching staff being obliged to

apply the same legal regime in identical or similar situations; b) impartiality and non-discrimination, auxiliary teaching staff being obliged to have an objective attitude, neutral towards any political, economic, religious or other interest, in the exercise of their duties.

Art. 16. Confidentiality undertaking

(1) Considerations of confidentiality must be balanced with facilitating the ability of the FVO to investigate and take appropriate action on referrals.

(2) The AUV will treat all parties with equal care, respect and dignity and will endeavour to preserve the confidentiality of the parties involved, limiting disclosure of the subject matter of the referral only to those who need to know the facts of the parties involved.

(3) Legal reporting and disclosure requirements may limit the privacy policy and are governed by the European Data Protection Regulation (GDPR).

(4) It is forbidden for third parties to have access to the file of the University Ethics Committee even after the evaluation of the facts is completed, except for members of the appeal bodies, members of the Ethics Council of the Ministry of Education and Research, competent state bodies, when the fact is subject to an official investigation and with respect for data confidentiality.

(5) All parties - alleged victims, witnesses, complainants, alleged perpetrators and counsellors - must respect the confidentiality of the investigation. Breaches of confidentiality may be punishable by law.

Art.17. Prevention of discrimination and harassment

(1) Measures within the AVU to prevent acts of discrimination:

(a) organisation of voluntary activities, as well as participation in activities run by associations / non-governmental organisations that promote the rights of minorities, disadvantaged persons or groups and combat discrimination, irrespective of the criterion on which it is based;

(b) The introduction of courses on this topic in subjects dealing with research methodology and ethics;

(c) organising workshops on discrimination;

(d) developing and implementing institutional policies to ensure equal opportunities and equal treatment within the AVU;

(e) promoting provisions related to equal opportunities and anti-discrimination in the academic community, with a focus on the prevention and mediation of discriminatory behaviour, respectively, on the available reporting tools;

(f) contributing through dialogue with other members of the academic community to the formation of non-discriminatory cultures;

(g) developing strategic partnerships with institutions or organisations active in the field of equal opportunities and non-discrimination, including staff unions and student organisations, to promote a more tolerant environment;

(h) inclusion of courses that promote tolerance and diversity;

(i) developing infrastructure and learning resources for students with disabilities, taking into account their specific needs;

- j) improving the UAV's internal arrangements for reporting and dealing with cases of discrimination;
- k) the annual celebration of National Minorities Day on 18 December with the broad involvement of the academic community;
- (2) The AVU supports, through its policies, the social inclusion of Roma and other persons from vulnerable groups through the allocation of budgeted places, social scholarships and special places in hostels;
- (3) The AVU may adopt, where appropriate, strategies and operational plans with the objectives of supporting and protecting members of the academic community who are members of vulnerable groups.

V. FRAMEWORK FOR REPORTING DISCRIMINATION AND SANCTIONING DISCRIMINATORY OR HARASSING BEHAVIOUR

Art. 18. Complaints and informal remedies

- (1) Any person complaining may opt for a formal or informal complaint resolution.
- (2) An informal process focuses on stopping discrimination, harassment, bullying or other conduct without pursuing a formal investigation.
- (3) For informal resolution, available methods tailored to the particular circumstances will be used.
- (4) Methods used for informal resolution may include, but are not limited to:
 - a) counselling the complainant on how to deal with the situation directly;
 - b) organising a meeting² with the alleged perpetrator to discuss the guidelines imposed by the anti-discrimination guidelines.
- (5) An informal resolution is not a precondition for initiating the formal resolution process.
- (6) In the case of an informal referral, the accused person will not normally be informed of the complainant's action or identity without the complainant's consent. The exception shall be cases where circumstances so require.
- (7) In cases where the allegations are dealt with informally, no disciplinary action will be taken against the alleged perpetrator, and the allegations will not be recorded in the personal file of the accused person.

Article 19. Other means of reporting discrimination or harassment

- (1) Any person who considers that his/her legitimate personal rights have been violated as a result of a competition held within the University may appeal to the complaints committees provided for by law or internal regulations.
- (2) The subject of the appeal may be the violation of the competition regulations, such as the existence of situations characterised by incompatibilities or conflicts of interest, which have effectively led to the discrimination of the candidate.

² Cases of sexual assault or other violence of a sexual nature will not be dealt with through mediation. Nor will people who have suffered sexual harassment be forced to confront the perpetrators.

(3) The Appeals Board, as well as any other competent university body dealing with appeals, must analyse all aspects of the appeal and take decisions on rejection or admission only based on objective criteria.

(4) The decisions of the Appeals Commissions may be appealed to the courts through administrative litigation, within the terms and conditions provided for by special law.

Art. 20. Issues of proving cases of discrimination and harassment

(1) A person who complains of a situation of discrimination or harassment, whether as a victim or as a complainant, shall submit evidence based on which it can be presumed that a form of discrimination has occurred, and the person against whom the complaint has been lodged shall bear the burden of proving that there has been no breach of the principle of equal treatment. Persons involved in the handling of complaints concerning discrimination shall call for evidence to prove the facts complained of, in compliance with the rights and provisions of the law.

(2) If the allegations are not substantiated, steps will be taken to restore the reputation of the alleged perpetrator of the act of discrimination or harassment, if the alleged perpetrator has suffered damage to his/her image in the academic community.

(3) The knowing misrepresentation of an alleged fact may result in disciplinary action being taken against the complainant.

VI. MEASURES AND ACTIONS AT UNIVERSITY LEVEL

Art. 21. At the University level, the elimination of all forms of discrimination shall be achieved by:

- a) Preventing any acts of discrimination or harassment by instituting special measures, including affirmative action, to protect disadvantaged persons who do not enjoy equal opportunities;
- b) Mediation through the amicable settlement of disputes arising from acts or facts of discrimination or harassment. The parties may have recourse to mediation as a means of settling disputes amicably, with the help of a third party, under neutral, impartial and confidential conditions. Mediation is effective when it is based on the trust that the parties place in the mediator as a person able to facilitate negotiations between them and to assist them in resolving the conflict by reaching a mutually acceptable, effective and lasting solution. Mediation may be carried out by using a specialised third party as mediator or a qualified person from the University. The parties are free to choose their mediator and mediation must be conducted with respect for the parties' freedom, dignity and privacy. The mediator must endeavour to reconcile the divergent positions of the parties in a non-partisan manner and ensure a permanent balance between them. The mediator may not impose a solution on the parties to the mediated conflict and is obliged to preserve the confidentiality of the information that comes to his or her knowledge in the course of the mediation.

The responsibility for mediating and settling any conflicts arising between members of teaching assistants and for maintaining a climate favourable to teamwork

shall be the responsibility of the teaching assistants.

- c) Sanctioning discriminatory or harassing behaviour following complaints to the University Ethics Committee;
- d) Support and assistance in cases of harassment and discrimination.

(2) UAV shall ensure the safety of all members of the academic community in all university premises, under the applicable legal regulations.

(3) Personal responsibility and public accountability imply the obligation of the members of the university community to respect and apply the legislation in force, the UAV Charter, its regulations, national and European policies in the field of higher education and scientific research.

(4) Any member of the UAV Arad community must avoid harming the freedom of others, based on the respect for differences and the obligation to respect human rights, from the whole range of the current legislation. Based on academic freedom, UAV Arad is a space free from interference, pressures and political, religious and economic power constraints, except for scientific, legal and ethical constraints.

(5) In the exercise of their managerial duties, the rules of ethics and professional conduct shall bind the staff exercising managerial functions to respect the legal regime of public accountability.

(6) The persons who were or are members of the academic community of UAV Arad and have committed offences after the date of entry into force of the law shall be liable for civil, administrative, professional or disciplinary liability, as the case may be.

(7) In the teaching and research activity, the rules of ethics and deontology oblige the teaching and research staff to have a conduct according to which they must also implement the sanctions established by the National Council of Ethics of Scientific Research, Technological Development and Innovation, hereinafter referred to as CNECSDTI, failure to comply with them being a disciplinary offence.

(8) Unacceptable behaviour of members of the University community means, but is not limited to, the following:

- Any unethical behaviour, incompatibility or conflict of interest that could undermine the credibility of the higher education institution;
- Any behaviour that undermines the principle of transparency and university autonomy, as well as the values enshrined in the university charter, which is assumed by the entire academic community;
- Any behaviour that leads to impairment of the quality and performance of educational and research processes, the development of a climate unsuitable for good relations between members of the community and the violation of the legitimate rights and interests of individuals.

Art. 22. Regulations included in the Rules of Organisation and Functioning of the University Ethics Commission

(1) The members of the Commission are obliged to analyse objectively and impartially the facts reported.

- (2) It is forbidden to express, within or outside the university, any opinion on the guilt of the person under investigation, before the final resolution establishing the existence of the offence.
- (3) Based on the decisions of the University Ethics Commission, the UAV shall impose sanctions on the teaching, auxiliary teaching and research staff, including those in managerial positions.
- (4) Sanctions are implemented by decision of the Rector.
- (5) The types of sanctions foreseen for violation of the rules of university ethics and deontology for teaching, auxiliary teaching and research staff, including those in managerial positions, are:
- (a) written warning;
 - b) Withdrawal and/or correction of all works published in breach of academic ethics and professional conduct;
 - c) dismissal from a management position;
 - (d) disqualification, for a specified period, from access to funding from competitive public funds;
 - (e) suspension, for a fixed period of between one and five years, of the right to enrol in a competition for a higher or management post or as a member of a competition committee;
 - f) dismissal from a teaching or research post.
- (11) Based on the decisions of the university ethics committee, sanctions are applied to students, doctoral students, postdoctoral researchers or other categories of learners, which are also implemented by decision of the rector.
- (12) The types of sanctions foreseen for violation of the rules of academic ethics and deontology by students, doctoral students / postdoctoral researchers or other categories of learners are:
- (a) written warning;
 - b) cancellation of assessment results;
 - c) expulsion;
 - d) other sanctions provided for in the Code of University Ethics and Professional Conduct.

VII. REFERRAL TO THE NATIONAL COUNCIL FOR COMBATING DISCRIMINATION

Art. 23. Regulations regarding the referral 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) A person who considers himself/herself discriminated against may refer the matter to the National Council for Combating Discrimination within one year from the date of the offence or from the date on which he/she became aware of it.
- (3) The application shall be addressed to the Council at the following e-mail address: support@cncd.org.ro or by post to the following address: Piața Valter Măcăineanu nr. 1-3, sector 1, 010155, Bucharest.

- (4) By submitting a request to the Council, the person who considers himself/herself discriminated against has the right to request the removal of the consequences of the discriminatory acts and the restoration of the situation before the discrimination.
- (5) The Council shall settle the application by decision of the Governing Board.
- (6) The Governing Board of the Council shall order the specific measures for establishing the existence of discrimination, with compulsory convocation of the parties. The summons may be made by any means that confirms receipt. Failure to notify the parties shall not prevent the complaint from being dealt with.
- (7) The investigative procedure conducted by the Governing Board shall take place at the seat of the institution or another place determined by it.
- (8) The person concerned shall present facts from which it may be presumed that there has been direct or indirect discrimination, and the person complained against shall have the burden of proving that there has been no breach of the principle of equal treatment.
- (9) Any means of evidence may be invoked before the Administrative Board, in compliance with the constitutional regime of fundamental rights, including audio and video recordings or statistical data.

VIII. REFERRAL TO COURT

Art. 24. Rules on referral to court

- (1) Article 21 of the Romanian Constitution guarantees free access to justice.
- (2) A person who considers that he/she has been discriminated against may apply to the competent court to request the cancellation of the situation created by the discrimination and the re-establishment of the situation before the discrimination, under common law.
- (3) The time limit for applying shall be 3 years and shall start to run from the date of the act of discrimination or harassment or from the date on which the person concerned could have become aware of it.
- (4) The person concerned shall put forward facts from which it may be presumed that there has been direct or indirect discrimination, and the person against whom the complaint has been lodged shall have the burden of proving that the principle of equal treatment has not been infringed.
- (5) Any means of evidence may be adduced before the court in compliance with the constitutional regime of fundamental rights, including audio and video recordings or statistical data.

IX. FINAL PROVISIONS

Art. 25. (1) Members of the academic community shall be liable to disciplinary action for failure to comply with the Code of Ethics and university regulations, as well as for any acts committed inside or outside the university that may damage the honour and prestige of the profession or the UAV.

(2) Any behaviour of a member of the academic community that violates the provisions of the Code of University Ethics may be the subject of a complaint of violation of the ethical conduct stipulated in the Code.

(3) The University Ethics Committee shall analyse and resolve complaints and allegations related to university ethics, under its Regulations and the provisions of Law no. 199/2023.

This guide has been approved by the Decision of the CA of the UAV from 18/06/2025 and by the Senate Decision no. 300 from 27/06/2025