



REGULATIONS

on the organization and operation of the disciplinary committees within Transilvania University of Braşov

Chapter I. General Provisions

Art. 1 The disciplinary committees within Transilvania University of Braşov are structures of the University, deliberative, without legal entity, independent in the exercise of their duties, which have jurisdiction to analyse the facts reported as disciplinary offences of the academic community members, apart from the students, and to propose settlement solutions. These committees settle the referrals or complaints by individualising the applicable disciplinary sanction or signs them off, as the case may be, as the case may be.

Art. 2 The disciplinary committees are formed and conduct their activity under the following laws:

- Law of Higher Education, Law no. 199/2023, with subsequent amendments (hereinafter called LÎS);
- Labour Code – Law no. 53/2003, republished, with subsequent amendments (hereinafter called Labour Code);
- Charter of Transilvania University of Braşov;
- Internal Regulations of Transilvania University of Braşov.

Art. 3 (1) The organization, operation and specific working tools of the disciplinary committees within Transilvania University of Braşov are set in these Regulations on their Organization and Operation, approved by the University Senate.

(2) The disciplinary committees are established at the level of each faculty, as well as at the University's level.

Art. 3¹ (1) The teaching and research personnel, the auxiliary-teaching and research personnel, as well as the management personnel within higher education may be subject to disciplinary investigation, according to the special provisions of LÎS which are supplemented with the provisions of the common law – Labour Code.

(2) The disciplinary investigation may be run for the infringement of the following obligations:

- a) the obligation to comply with the provisions of the labour contract, respectively to fulfil one's workload and to perform the duties established according to the job description;
- b) the obligation to comply with the provisions set in the Regulations of the Higher Education Institution, insofar as they do not fall within the provisions of art. 168 of LÎS;
- c) other obligations provided for in the legislation and internal regulations on the labour relations.

(3) The principles of good conduct are established in the University Charter, without prejudice to the right to opinion, freedom of expression and academic freedom. Disciplinary offenses are acts committed in relation to the employment relationship, other than those listed under art.168 of LÎS.

Chapter II. Rules on the Responsibilities and Organization of the Disciplinary Committees

Art. 4 (1) The structure and membership of the disciplinary committees at faculty level are subject to the approval of the University Senate, upon the proposal of the Executive Board, at the beginning of the academic year, for a 4-year period. After the vote of the University Senate, the Rector will appoint the committees at faculty level. The analysis committees at faculty level have jurisdiction to settle the possible disciplinary offences committed by the teaching and research personnel of that faculty.



(2) Each of these disciplinary committees, according to art. 177 para (4) of LÎS, consists of 3-5 members, who are teaching or research personnel, and of a Union representative appointed by the Rector, through decision, with the approval of the University Senate, tenured academic teaching personnel with the academic degree of Professor or Associate Professor. The committee members' total number is odd. The membership of the analysis committee will only include academic teaching personnel with at least the academic degree of the person under investigation, except for the union representative who may have any didactic degree, and the alternate members may be resorted to in this regard.

(2¹) According to the same procedure provided for in para (1) and para (2), two alternate members will be appointed for the analysis committee at the level of each faculty, one of whom will be a representative of the union.

(3) In the event that, in relation to the academic degree of the person under investigation, the membership of the disciplinary committee does not allow analysis even if the alternate members were to be included, the committee members with a lower academic degree than that of the person under investigation will be lawfully replaced with the appropriate number of members from among the alternate members of the University Analysis Committee, which aspect will be recorded in the minutes of the first meeting of the Analysis Committee.

(4) Compulsorily, one of the members of each disciplinary committee at faculty level (hereinafter called Faculty Committee or Faculty Committees, as the case may be) shall represent the University Union, regardless of his/her academic degree and, by way of exception from the provisions of art. 4, para. 2, second sentence hereof. In the event that the union representative is in a state of incompatibility or is subject to a disciplinary procedure, s/he will be replaced by one of the alternate members in the University Committee, in the order of their nomination by the University's Union organization.

Art. 5 (1) The structure and membership of the University Disciplinary Committees (hereinafter called University Didactic Analysis Committee, respectively University Auxiliary-Teaching and Administrative Analysis Committee) are subject to the approval of the University Senate, upon the proposal of the Executive Board, at the beginning of the academic year, for a 4-year period. Following the vote of the University Senate, the Rector will appoint the committees. The University Auxiliary-Teaching and Administrative Analysis Committee has jurisdiction to settle the possible disciplinary offences committed by the (auxiliary-teaching and administrative) personnel in departments and faculties, administrative departments, compartments, services and divisions by the personnel within the structures subordinate to the Executive Board, in either executive or management positions.

The University Didactic Analysis Committee has jurisdiction to settle the possible disciplinary offences committed by the teaching and research personnel in managerial positions within Transilvania University of Braşov, under the applicable legislation.

At the beginning of each academic year, the membership of the 2 aforementioned committees is verified and updated, as appropriate.

(2) In duly justified cases, for reasons of possible incompatibility or conflicting situations between the members of the Faculty Committee and the person under investigation, the offences committed by other persons will be analysed by the University Disciplinary Committee.

(3) The University Didactic Analysis Committee consists of 3-5 members, according to art. 177 of LÎS, who are teaching personnel with the academic degree of Professor, and of a Union representative, appointed by the Rector, through order, with the approval of the University Senate.

The University Auxiliary-Teaching and Administrative Analysis Committee consists, according to art. 177 of LÎS, of 3-5 members who are tenured teaching and/or auxiliary-teaching personnel, and of a Union representative, appointed by the Rector, through order, with the approval of the University Senate.

(4) According to the same procedure as mentioned in para. (2) and (3) of this article, five alternate members of the University Didactic Analysis Committee, respectively of the University Auxiliary-Teaching and Administrative Analysis Committee, each of them with the academic degree of Professor, are appointed.



Upon approval of the alternate member list, through Senate decision, the Faculty Analysis Committee where each of them may be part will also be appointed. In duly justified cases, for reasons of possible incompatibility or proven conflicting situations between the members of one of the university committees and the person under investigation, the committee member in such a situation will be lawfully replaced by one of the five alternate members of the University Committee, which aspect will be recorded in the minutes of the first meeting of the Analysis Committee. Upon the approval of the alternate member list, through Senate decision, the order of appointment in the University Committees will also be established.

(5) Compulsorily, one of the University Committee members shall represent the University Union, regardless of his/her academic degree. The University's Union must also appoint two alternate members in the University Committee.

(6) In the event that the Union representative is in a state of incompatibility or is subject to a disciplinary investigation, s/he will be replaced by one of the alternate members in the University Committee, in the order of their nomination by the University's Union organization.

Art. 6 (1) The appointment of members in the disciplinary committees is made by Rector's decision, following the approval of the University Senate, at the beginning of the academic year, for a 4-year term of office, and may be changed according to needs at the beginning of the academic year or in well-justified cases.

(2) If, for objective reasons, it is necessary to replace one member of some committee, the new member will be appointed for the remaining term of office of the one whom s/he replaces.

(3) The members of any disciplinary committee may not be relatives up to the 4th degree, in-laws or spouse to the person who referred the matter or submitted the complaint, or to the person under investigation; moreover, they may not be relatives, in-laws or spouse to the Rector or the Dean.

(4) In case of incompatibility, according to the same procedure provided for in art. 4 and art. 5 of these Regulations, a new member will be appointed to replace the member in a state of incompatibility.

Art. 7 (1) The chairperson of each disciplinary committee is chosen from among the full members of the committee by themselves within 15 days of appointment of the committee, according to art. 4, respectively art. 5 of these Regulations, and his/her name is communicated to the President of the Senate and to the Rector.

(2) The chairpersons of the disciplinary committees answer for the organization and conduct of the committee's activity.

(3) The secretary of the Faculty Analysis Committee is appointed by the Faculty Council, whereas the secretary of the University Analysis Committee is appointed by the Executive Board, and their duties are to be established through the decision of appointment. The secretaries of these committees are exclusively appointed from among the auxiliary teaching personnel, and they may not be committee members.

(4) Each committee member has an equal right to vote.

(5) The committee deliberations are confidential.

(6) The documentary support of the cases investigated by the committees, including those from previous mandates, will be archived and managed by the secretary of the committee, respectively at the Vice-Rectorate for Public Relations.

Chapter III. Referral to the Disciplinary Committee. Duties of the Committee

Art. 8 (1) The committee may be notified in writing by the Rector, Dean, Director of Department, Coordinator of the structure where the person referred to works, by decision of the Faculty Council, Executive Board, University Senate, or following referral by at least 2/3 of the department members' total number.

The author of the referral will propose therein a disciplinary sanction, an indicative sanction, which is not binding for the Analysis Commission.



(2) In case of referrals made by other persons than the ones mentioned in the previous paragraph, the hierarchical superior of the person referred to, respectively, the person in a hierarchically superior leading position to the person referred to for investigation will direct the referral for verification to the competent disc committee, in which case no sanctioning proposal will be made.

Art. 9 (1) The Committee has the following duties:

(a) to analyse the referrals/complaints received;

(b) to make the investigation on the case to be analysed, with the compulsory summoning of the persons under investigation for the hearing; the summons for the hearing must be made with the provision of a minimum defence time-limit of 3 days between the date of communication of the summons and the date set for appearing before the Committee; the refusal of the person under investigation to appear before the Committee or to make statements does not prevent the investigation from continuing. In this regard, the Committee shall hear the persons involved, namely the person who filed the complaint, the defendant and other people who can provide information about the case, shall examine the documents and evidence adduced, shall request new documents and determine the facts and circumstances in which the facts were committed, as well as their consequences;

(c) to make the Final Report of the Committee on the investigated case, which will include the proposals for sanctions or dismissal of the case. The Final Report will include: the description of the referred and investigated deed; the reasons why the arguments brought forward by the person under investigation were rejected; the ascertainment of the existence or non-existence of the facts under investigation, as well as the proposal for the application of a sanction or the dismissal of the case, as appropriate. Moreover, through this report, the Committee may make proposals regarding the management of the structures involved or make observations on the aspects found, which would entail the improvement of the activity within the structures under disciplinary investigation;

(d) to communicate, under confidentiality conditions, the Final Report to the interested parties – defendant, complainant, Faculty Council, respectively University Senate and Executive Board;

(e) to present the Final Report to the University Senate, respectively, the Faculty Council, as the case may be, with a view to determining the disciplinary sanction proposed by the Committee; the report of the University Committee is also presented to the Executive Board, for information purposes.

(2) The persons directly involved and those invited will be summoned for the investigation at least 3 days prior to the meeting, in writing, through letter with acknowledgement of receipt, to the specified home address in their personal file at the Human Resources Service, as well as to the coordinating faculty/structure, as regards the University's employees, mentioning the object, date, time and place of the meeting. As regards the students, the summons will be sent to the specified address in the personal file at the faculty secretariat, as well as to the faculty headquarters. The author of the complaint/referral, who is not an employee or student of Transilvania University of Braşov will be sent the summons to the address indicated in the referral or in the complaint lodged with the University. The persons invited to be heard/give explanations may request the postponement of their hearing for well-justified reasons, and their hearing will take place within a maximum of 10 days as against the originally date and time, which later date they will propose to the Committee with the request for postponement. In case of objective impossibility to appear even at a later time, the person concerned may communicate to the Committee in writing (via institutional email or traditional mail) his/her own points of view regarding the aspects that make the object of the complaint.

(3) The Final Report of the Committee, signed by the present members, according to para. 4 of this article, will be endorsed by the University's legal advisor in terms of lawfulness, before being registered with the faculty secretariat or with the University's Registry Office, as the case may be.

(4) The Committee proceedings take place in the presence of at least 2/3 of its members (meeting quorum). The Final Report is adopted with 2/3 of its members' vote.



Art. 10 (1) The Final Report of the Faculty Committee or any of the University Committees, as the case may be, is subject to debate and approval to the Faculty Council, by the chairperson of this committee, in the situations provided for in art. 176 para. (2), in conjunction with art. 175 para. (4) lett. a) of LÎS. In this regard, the Faculty Council will adopt a decision including also the disciplinary sanction, as the case may be.

(2) The Final Report of the Faculty Committees, as well as that of any of the University Committees, as appropriate, is subject to the debate and approval of the Executive Board, by the chairperson of this committee, in the situations provided for in art. 176 para. (2) second thesis, in conjunction with art. 175 para. (4) lett. b) and c) of LÎS, respectively to the approval of the University Senate, in the situations provided for in art. 176 para. (2) second thesis, in conjunction with art. 175 para. (4) lett. d), e) of LÎS. In this regard, the Executive Board, respectively the University Senate, as the case may be, will enact a decision including also the disciplinary sanction, as appropriate.

(2¹) The Final Report of the University Auxiliary-Teaching and Administrative Analysis Committee on the facts committed by the personnel referred to in art. 5 para. (1) third sentence, who belongs to the administrative personnel is subject to the debate and approval of the University Senate by the chairperson of this committee, under the conditions of the Labour Code. In this regard, the University Senate will adopt a decision including also the disciplinary sanction, as the case may be.

(3) The meeting quorum for the Faculty Committees, Executive Board and Senate, necessary for debating a final report of a disciplinary committee is of 50% + 1 of the members of each structure – Faculty Council, respectively Senate, as the adoption of the final decision is conditional on the vote of the qualified majority of 2/3 of the members present at that meeting. The sanction of disciplinary termination of the employment contract is enacted with the vote of the absolute majority of 2/3 of the Senate members' number.

(4) The preparation of the sanctioning decision, based on the decision of the Faculty Council, Executive Board or University Senate, as the case may be, rests with the Legal and Litigation Compartment and the Human Resources Service. The sanctioning decision is signed by the Rector, as the employer's legal representative.

(5) Both the decision of the Faculty Council, Executive Board or University Senate, as the case may be, and the sanctioning decision will be immediately communicated to the parties involved through the Human Resources Service, respectively, the decision of the Faculty Council or of the Senate, as the case may be, is deemed communicated by its publication on the website. Moreover, a copy of the Final Report of the Faculty Committee or any of the University Committees, as the case may be, is transmitted to the parties involved – the person under investigation, the complainant, to the home address in the personal file at the University's Human Resource Service, as well as to the faculty secretariat for the University's employees. As regards the students, the communication will be made to the address in the personal file at the faculty secretariat, as well as to the faculty. As regards the ones who are not employees or students of Transilvania University of Braşov, the decision will be transmitted to the address indicated in the referral or complaint registered with the University.

Art. 11 (1) The proceedings of the analysis committees are recorded in the register of minutes, and the records are validated through the signatures of the Committee members and of the participants in settling the items mentioned in the referral or in the complaint.

(2) The Final Report of the Faculty Committee or of the University Committee, as the case may be, will be issued in two copies – one for the committee, and another one for the Faculty Council or the University Senate, as appropriate.

(3) The Final Report of the Faculty Committee or of the University Committee, as the case may be, will be signed by all its members.

Art. 12 All the files of the disciplinary committees will be kept at the secretariats of the faculties or of the University within the time-limit stipulated by the legislation in force. The access to these documents is subject to the approval of the University's Rector or of the Faculty Dean, as the case may be.



Chapter IV. Disciplinary Sanctions

Art. 14 The disciplinary sanctions apply in case of breach of the duties in the individual labour contract, the code of discipline, and of the provisions in the University regulations.

Art. 15 (1) The disciplinary sanctions which can be applied to the academic community members – teaching and research personnel, as well as auxiliary teaching personnel, are the following:

- a) written notice;
- b) reduction by up to 20% of the basic salary for a maximum of 2 years
- c) suspension for a fixed period of time, but no longer than 5 years, of the right to take part in a competition to fill a higher academic degree or a management position, or to exercise one's status as a member in doctoral, master's or bachelor's degree committees;
- d) dismissal from the management position in education;
- e) disciplinary termination of the labour contract.

(2) The Dean of a faculty or the University's Rector, as appropriate, enforces the disciplinary sanction proposed by the Faculty Committee or the University Committee, as the case may be, based on the approval of the Final Report by the Faculty Council or the University Senate, as the case may be.

Art. 16 In the event that, upon receiving the report of the Analysis Committee, the Faculty Council considers that one of the sanctions provided for in art. 175 para (4) lett. a) and b) of LÎS is not sufficient in proportion to the disciplinary offence, within 7 days of receipt of the report, will submit it to the University Senate with a view to establishing a sanction from among those provided for in art. 175 para. (4) lett. d), e) of LÎS.

Art. 17 (1) The disciplinary sanctions which can be applied to the University's administrative staff, according to the Labour Code, art. 248, are the following:

- a) written notice;
- b) demotion from the position, with the granting of the salary corresponding to the position in which the demotion was ordered, for no longer than 60 days;
- b) reduction by 5-10% of the basic salary for a period of 1-3 months
- c) reduction by 5-10% of the basic salary and/or, as the case may be, of the management indemnification, for a period of 1-3 months;
- d) disciplinary termination of the labour contract.

(2) The aforementioned disciplinary sanctions which may be applied to the administrative personnel are established by the University Senate at the proposal of the University Analysis Committee on the disciplinary offence, through the same decision on the case report presented by the Committee.

(3) The University's Rector enforces the disciplinary sanction proposed by the Committee based on the approval of the Final Report by the University Senate.

Art. 18 The disciplinary sanctions are enforced within 30 calendar days of registration of the Disciplinary Committee's Final Report with the Faculty Secretariat or with the University's Registry Office, as the case may be.

Art. 19 (1) For the same disciplinary offence, only one sanction out of the aforementioned ones can be applied.

Art. 20 (1) The parties directly involved (claimant and defendant) have the following obligations:

- a) to attend the hearings, at the request of the Faculty Committee or of the University Committee, as the case may be;
- b) to maintain confidentiality on the conducted procedure.



(2) The refusal of the directly involved persons, but also of the ones summoned to convey the necessary information for settling the referral or the complaint, to appear at the hearing and to give written statements is ascertained in the minutes and does not prevent the investigation from continuing and being completed.

Art. 21 The directly involved parties have the following rights:

- a) to be informed about the membership of the Faculty Committee or of the University Committee, as the case may be, and to contest a person's participation in the disciplinary investigation in case of a conflict of interests or of a state of incompatibility;
- b) to receive the Final Report of the Faculty Committee or the University Committee in a copy, as the case may be;
- c) to appeal against the decision of the Faculty Council or of the University Senate, as the case may be, regarding the Final Report of the Faculty Committee or of the University Committee, as the case may be, as well as against the sanctioning decision, according to the legislation in force;
- d) to be assisted, upon request, by a representative of the union s/he is a member of;
- e) to be assisted or represented by a lawyer in front of the Faculty Committee or of the University Committee, as the case may be, according to the legislation in force.

Art. 22 According to art. 179 of LÎS, if the disciplinary sanctioned person has not committed other disciplinary offenses within a year of enforcement of the sanction, the authority that applied the disciplinary sanction may order ex officio, at the proposal of the Human Resources Service, the cancellation of the sanction, with the relevant mention in the personal file of the one concerned.

Chapter V. Final and Transitory Provisions

Art. 23 (1) Any person may notify Transilvania University of Braşov, inclusively any of its faculties, on the perpetration of a deed that may be a disciplinary offence of an employee of the University/Faculty, under the terms of art. 8 para. (2) hereof. The complaint is made in writing and lodged with the University's Registry

(2) By way of exception to art. 6 para. 1, the mandate of the disciplinary committees within Transilvania University of Braşov, whose membership has been modified through these Regulations, commences on the date of approval of these committees in the Senate.

Art. 24 The University management shall ensure the material resources necessary for the analysis committees on the disciplinary offence to operate. These committee members may be remunerated with the Rector's approval.

Art. 25 (1) The provisions of these Regulations come into force on the date of their enactment by the Senate.

(2) The provisions of the Regulations on the Operation of the Disciplinary Committee under the University Senate discussed and approved in the meeting of the Senate of Transilvania University of Braşov on 8.07.2011, with subsequent amendments, approved in the meeting of the aforementioned Senate, shall be repealed on the date of entry into force of these Regulations.

(3) The currently pending cases before the disciplinary committees are settled on the basis of the applicable rules and regulations at the time of registration of the referrals.

The amendments to these Regulations were discussed and approved in the meeting of the Senate of Transilvania University of Braşov on 23.10.2024.

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