



Annex B to QC Manual - Word document template

**Erasmus + Project No 561586-EPP-1-2015-1-RS-EPPKA2-CBHE-JP
Enhancement of HE Research Potential Contributing to Further Growth of the WB Region
Re@WBC**

Ref. No and Title of Workpackage	Activity no. 2.8. Ethical committee procedures improved
Title of Deliverable:	Report
Institution:	University of Niš
Author/s of the deliverable	Vesna Lopičić
Status of the document:	Final
Document Version no and date:	v.01, 16/01/2017
Number of Pages	5
Dissemination Level	Internal

Abstract	The following document is a report on the current situation of the Ethics Committee at the University of Niš.
----------	---

Report on the current situation of the ethics committee at the University of Niš

1. Introduction

The University of Nis is no exception with regard to the significance of ethics in comparison to the relevance of this issue at other Serbian universities. Believing that science, art and philosophy, culture and civilisation are universal goods for all people, based on the autonomy of the University, freedom of science, research and learning, led by deep faith in the value and benefit of knowledge, a responsible mission of the academic institution, professional commitment and personal responsibility of academic citizens, due to the preservation of professional dignity and the advancement of moral values of the academic community, on the session held on 26th May 2003, the Council of the University of Niš issued the **Ethical Code** of the University of Niš. At the same session, the **Rulebook** on the work of **the Court of Honour**, the organ of the University which determines the responsibilities and defines the measures in case of the breach of ethical principles established by the Ethical Code was adopted. This marks the beginning of regulating ethical issues at the University of Nis.

2. National legal framework in Serbia

The issues of ethics in research and academic integrity in the HEIs in Serbia are regulated by The Law on Higher Education. The current **Law on Higher Education** ("The Official Gazette of the Republic of Serbia" No. 76/2005, 100/2007, 97/2008 – authentic interpretation, 44/2010, 93/2012, 89/2013, 99/2014, 45/2015 – authentic interpretation and 68/2015), Article 55, proposes that the professional body of a higher

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



ERASMUS+ PROJECT

Re@WBC

Enhancement of HE research potential
contributing to further growth of the WB region



Co-funded by the
Erasmus+ Programme
of the European Union

education institution issues a **Code of professional ethics**, which determines the ethical principles in higher education, publishing of scientific results, the attitude towards intellectual property, relations between professors, associates and students, actions during the participation of higher education institution and professors, associates and students in the legal transactions, and in the attitude towards the public and the public media. A new Law on Higher Education is being worked on at the moment so that ethical issue will get a fresh treatment in line with the increasing significance of this aspect of activities at HEIs.

3. Bodies responsible for ethics at the University of Niš

The Professional Ethics Committee is the main body responsible for ethics at the University of Niš. It applies the Code of professional ethics to regulate all issues pertaining to ethics at the University.

The Code of professional ethics of the University of Niš has the following goal: preservation of the dignity of the profession, preservation and promotion of moral values of the academic community, the appreciation of the value of knowledge, raising the awareness about the responsibility of university professors, associates and all members of the academic community.

The Code of Professional Ethics contains moral principles and the principles of professional ethics, according to which all members of the academic community of the University should behave, in their professional and public actions.

The basic principles are:

- the autonomy of the University and institutions of higher education which it is composed of,
- the principle of equality and the respect of the Law,
- Prohibition of discrimination on any grounds,
- Prohibition of activities which can lead to the conflict of interests,
- freedom of scientific and artistic behaviour,
- Respect and protection of personal integrity and the dignity of the personalities of all members of the academic community,
- Acting according to the principles of academic freedoms,
- Nurturing of professionalism and development of personal responsibility,
- Developing the spirit of tolerance.

The Committee sessions are public. With the view of protecting the right to privacy, the Committee may exclude the public from the session completely or to the degree to which it is assessed appropriate. Processes before the Committee are initiated by way of making a formal motion, and any member of the academic community who considers the behavior of another member to be injurious to the Professional Ethics Code may make a motion. The members of the academic community are teachers, associates, researchers, students and other persons who participate in educational, scientific and research, or artistic and other professional activities conducted in the higher-education institutions of the University of Niš.

The Professional Ethics Committee consists of 15 members, out of whom one member is from each faculty included in the University, and two members who are students at University and who are selected at the suggestion of the Students' parliament. The members of the Committee are professors or associates of the Faculty who represent the academic community in accordance with the highest ethical and professional principles. The term of office for the members of the Committee lasts three years, starting from the day of the appointment, while the term of office for students who are members of the Committee lasts one year.

The Senate of the University of Niš, at its meeting held on 14th October 2013, appointed the following members of the Professional Ethics Committee:

1. Branko Turnšek, PhD, assistant professor at the Faculty of Civil Engineering and Architecture,

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



ERASMUS+ PROJECT

Re@WBC

Enhancement of HE research potential
contributing to further growth of the WB region



Co-funded by the
Erasmus+ Programme
of the European Union

2. Tamara Milenković Kerković, PhD, associate professor at the Faculty of Economics,
3. Zoran Pijić, PhD, full professor at the Faculty of Electronic Engineering,
4. Dragoljub Lazarević, PhD, full professor at the Faculty of Mechanical Engineering,
5. Verica Avramović, PhD, full professor at the Faculty of Medicine,
6. Marina Dimitrijević, PhD, associate professor at the Faculty of Law,
7. Tatjana Anđelković, PhD, associate professor at the Faculty of Science and Mathematics,
8. Siniša Stojilkjović, PhD, full professor at the Faculty of Technology,
9. Danijela Zdravković, PhD, assistant professor at the Teacher-Training Faculty,
10. Marko Aleksandrović, PhD, associate professor at the Faculty of Sport and Physical Education,
11. Anđela Bratić, PhD, assistant professor at the Faculty of Fine Arts,
12. Momir Prašćević, PhD, associate professor at the Faculty of Occupational Safety,
13. Dejan Antić, assistant at the Faculty of Philosophy,
14. Olgica Jović, student,
15. Aleksandar Đorđević, student.

The Professional Ethics Committee, in this session, elected professor Staniša Stojilkjović, PhD, from the Faculty of Technology, chairman, and professor Tamara Milenković Kerković, PhD, from the Faculty of Economics of the University of Niš, was elected deputy.

Three years later, The Senate named the following as members of the Professional Ethics Committee Council during the session held on 28th April 2016:

1. Dr. Tomislav Okičić, Full Professor, Faculty of Sport and Physical Education, Council President;
2. Dr. Slobodan Antić, Full Professor, Faculty of Medicine in Niš,
3. Dr. Dragan Đorđević, Full Professor, Faculty of Sciences and Mathematics in Niš,
4. Dr. Dejan Milić, Associated Professor, Faculty of Electronics in Niš,
5. Dr. Danijela Stojanović, Associated Professor, Faculty of Arts in Niš.

During the period from 2005 to 2010, the Court of Honour received 8 complaints which were processed. In one of the cases, there was a ruling on the breach of the Code of Professional Ethics. In other cases, there were rulings on the suspension of proceedings due to various reasons: the proposal for the initiation of the procedure did not have a detailed description of the behaviour which represents the breach of the Code, or there was a breach of another regulation (the Law on Labour, the Rulebook on the procedure of obtaining the title and starting employment of the teaching staff at the University,...), the lack of evidence, the unsigned suggestions.

One of the activities of the Professional Ethics Committee, during this period, is agreeing on the lecture by prof. Vladan Joldić, PhD, the associate of the Institute for the ecology of the future with the following topics: Ethical code and Criminal Law, Ecology and Ethics at University.

During the period from 2010 to 2013, 16 complaints were filed. In all the cases, the procedure was cancelled.

The Professional Ethics Committee has convened 17 times during its term.

In the period from 2013 to 2016, the Committee has dealt with 37 motions. Public warnings were issued in two cases where the Committee decided that the Professional Ethics Code was violated. In most cases, the Professional Ethics Committee decided to dismiss the initiated processes due to failure to establish the basis of ethical responsibility of persons against whom the motions were made. Numerous Conclusions were made in which the motions were dismissed due to the fact that the Committee did not have the jurisdiction to initiate the process. A process for establishing ethical responsibility against 11 professors at the Faculty of Arts is currently active.

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



ERASMUS+ PROJECT

Re@WBC

Enhancement of HE research potential
contributing to further growth of the WB region



Co-funded by the
Erasmus+ Programme
of the European Union

4. Institution's own legal framework

The Professional Ethics Committee is the body established at the University of Nis in 2003 to conduct the procedure of determining one's responsibility for the breach of the Code of professional ethics of the University of Niš. During the academic year of 2009/2010, the Senate of the University of Niš issued a new Code of Professional Ethics of the University of Niš, which was published in the University of Niš Gazette (The Code of Professional Ethics of the University of Niš "University of Niš Gazette" No. 4/09). The Code of Professional Ethics is completely changed in relation to the previous one, and, in that way, the old Code of Professional Ethics and related Rulebook on the work of the Ethical Committee of the University of Niš have been repealed ("University of Niš Gazette" No. 6/07).

As a suggestion of the newly appointed Professional Ethics Committee, there were changes of and additions to the adopted Code of Professional Ethics in the part which refers to the quorum needed for the work of the Professional Ethics Committee, as well as the length of the term of office for the president of the Committee, meaning that the quorum is reduced to the two-thirds majority instead of full body decision-making, and the term of office of the president was increased to three years, that is, it was synchronised with the term of office of other members of the Professional Ethics Committee (Changes and additions to the Code of Professional Ethics of the University of Niš "University of Niš Gazette No. 4/10).

The Professional Ethics Committee, in its new session, was established on 13th April 2010. Having noticed that certain solutions from the Code of Professional Ethics disable the efficient work of the very Committee, the members of the Committee provided an initiative for the changes of and additions to the Code of Professional Ethics of the University of Niš. Regarding the submitted initiative, there was a working group which created a proposal for the changes of and additions to the Code of Professional Ethics, after which this suggestion was accepted and the suggestion for the changes of and additions to the Code of professional ethics was determined at the session held on 8th June 2010, when the initiative was sent to the Senate of the University of Niš.

The monitoring of the activities of the Committee and its Council revealed that certain regulations in the Code should be more precisely determined, and that certain modifications and adaptations should be made in the light of previous practice and experience of their application. This has led to the Professional Ethics Committee initiating the change of Professional Ethics Code which the Senate of the University has adopted (The clarified text of the Professional Ethics Code of the University of Niš is published in the "University of Niš Gazette" No. 3/15).

The Senate of the University of Niš reached a Decision on the changes and addendums of the Professional Ethics Code (published in the "University of Niš Gazette" in Niš, No. 7/15) during the session held on 23rd September 2015. The changes of the Code made on 23rd September 2015 concern the manner in which members of the Council are elected, whereby the election process requires consent by the members in matters pertaining to the processes against the members of, or the institutions of the University of Niš, bearing in mind that almost 90% of processes in recent years were led against deans or rectors – the headpersons of faculties. The added clauses are 6.14. and 6.15. and they say as follows:

6.14. When a motion has been made before the Committee against a member of the University Council, a member of the University Senate or a member of the Professional Ethics Committee or the Committee Council, the consent for the initiation of the process is issued by the legal body whose member is being accused of the violation of the Code. If the legal body refuses to give the consent to initiate the process during the mandate of the member against whom the complaint is made, the process may be initiated at the end of the mandate.

6.15. If a member of the University Council, or the University Senate, Professional Ethics Committee or Committee Council makes a motion to initiate a process before the Committee, the process proposed by the motion may be initiated when the very member's mandate expires.

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



ERASMUS+ PROJECT

Re@WBC

Enhancement of HE research potential
contributing to further growth of the WB region



Co-funded by the
Erasmus+ Programme
of the European Union

5. Remarks/Suggestions for improvement

The Professional Ethics Committee follows the development and application of ethical standards both in our country and in the world, proposes alterations of the Code of Professional Ethics to the Senate, gives its opinion on all the issues that refer to ethicality of behaviour in the academic community, has an advisory role in relation to the organs and members of the academic community, cooperates with the organs which deal with the questions of ethics at other universities in the country and the surrounding countries, organises meetings, seminars, discussions and gatherings dedicated to interpretation, implementation and improvement of ethical standards at the University.

The Professional Ethics Committee conducts accountability procedures for violation of the Code of Professional Ethics of the University of Niš.

The analysis of motions made in the period from 2005 to this day brings the Committee to the conclusion that a significant number of complaints for establishing ethical responsibility has been made against the deans of the faculties of the University of Niš. The dean, as the head-person of administrative and other faculty business, among other matters, decides on the legal and employment status of the employees. It is exactly this authorization that has been the reason for certain members of the academic community, dissatisfied with the decisions regarding their legal rights, to violate the Code and initiate a process without any substantial bases, and with the aim of damaging the reputation and dignity of other members of the academic community, as well as materializing personal or family interests.

In addition to that, the conclusion is that the tendency to hire counselors and attorneys has significantly changed the fundamental basis for the process of establishing ethical responsibility. Considering that the Professional Ethics Committee deals with the matter of morality, it has been decided that the participation of legal counselors (attorneys or other) in the process of establishing ethical responsibility will not be allowed.

The Committee recognizes the plagiarizing of scientific, and artistic papers and ideas by the members of the academic community as a special form of unacceptable moral behavior.

It has been noticed that a growing number of recent complaints concerning the violation of the Professional Ethics Code deals precisely with the problem of plagiarism of scientific papers.

The opinion of the members of the Committee is that the Committee is not adequately qualified to assess whether a scientific paper is plagiarized. The position of the Committee is that any person who makes a motion to establish the ethical responsibility under suspicion of plagiarism of scientific, or artistic, papers authored by any member of the academic community, must submit evidence in their motion that unequivocally confirm the verity of the claim that a paper is plagiarized, because it will otherwise be considered that the circumstance are such that the requirements for the process for establishing ethical responsibility are not met.

However, considering the increase in the number of motions, there is evidently a need to establish a procedure for establishing the conditions of un-academic behavior in the production of papers, auto-plagiarism, invention and deceit, or naming as author a person who has not co-authored a paper. It is necessary to initiate the forming of a professional committee at the faculty which would assess the authenticity of the paper based on software analysis, or by the use of other methods (the analysis of research documentation or content). Also, in such circumstance when it is established that the plagiarism complaint is motivated by personal interests, a process for establishing personal responsibility for slander and false accusation must be initiated.

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.