

“Approved”

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**Petre Shotadze Tbilisi Medical Academy
Code of Conduct**

1. Introduction

Petre Shotadze Tbilisi Medical Academy (TMA) is the supreme educational institution acting on the basis of the self-government principle and composed of the academic/engaged/administrative personnel of respective qualification, holding activity on the basis of the prevailing legislation of Georgia and the Regulations of TMA.

Petre Shotadze Tbilisi Medical Academy aspires to establish the international norms of academic action and conduct in the directions as follows:

- Education and training for the students and the personnel;
- Relations with and treatment of the patients;
- Scientific studies;
- Service to the society.

The administrative, as well as the pedagogic personnel and the students, in view of achievement of the hereof objectives, shall adhere to the hereby Code of Conduct upon relations with the colleagues, students, residents, researchers, patients and other professionals of the healthcare sphere.

II. Objectives of the Code:

The hereby Code sets the objectives for Petre Shotadze Tbilisi Medical Academy to regulate and introduce to the students, administrative/pedagogical personnel of the Academy and other persons engaged in the activity of the Academy the position of the Academy in the directions as follows:

1. Essence of the policy of academic integrity and rules of expediency of academic action;
2. Essence and classification of illicit actions and misconducts;
3. Measures to be undertaken in case of suspicion about illicit actions and misconduct of the students or the personnel;
4. Expedient measures and penalty sanctions in case of confirmed suspicions;
5. Provision of the members of the Academic process with information about the administrative and academic misconduct and prevention.

The objective of the Academy serves the moving force of the hereby document envisaging establishment and provision of the high quality education, awareness of the students and the personnel about importance of academic integration and provision thereof with the information about academic-research opportunities available in the Academy.

The hereby Code serves for establishment of the policy of academic integrity and regulation of the professional conduct norms for the students and the personnel.¹

III. Scopes of the Code

The scopes of the Code shall cover:

- Academic, engaged and administrative personnel of the Academy;
- Pre-diploma and post-diploma grade students of the Academy;

¹ The Code of Conduct has been developed based on the example of the Codes of Conduct and Academic Integration Regulations of the State University of New York at Stony Brook and the Keele University and Ryerson University;

- The person ensuring the scientific research or research component on the basis of the Academy;
- The person passing the internship or the certification course on the basis of the Academy.

The students and the personnel of the Academy, as individually so in collective manner shall adhere to the professional conduct norms in the Academy and respect the Academy as the mission of the higher educational institution.²

The part of the Code, defining direct relations, professional ideals, confidentiality and conflict of interests shall be mandatory for all regardless of the status and activity sphere.

The students and the personnel shall abstain from the actions which they are aware or ought to be aware contradict the academic integrity of the Academy.

IV. Definition of Terms³

Academic Integrity – the Code of Professional Conduct or the conduct policy of the Academy, covering the values, such are: prevention of fraud or plagiarism; maintenance, enhancement and improvement of the academic standards; and integrity of the scientific research.

Illicit Action – undue action, conditioned with negligence and/or indifference and would not be committed by the reasonable and competent person in the similar situation.

Misconduct – unacceptable or undue action of the student and/or personnel, entailing disciplinary (administrative and/or financial) responsibility.

Discrimination – action, directed to trigger the national, religious or racial hostility in view to decline the national dignity and respect. Discrimination shall imply: restriction of the human rights directly or indirectly according to their race, color, social affiliation, national or ethnic origin, or conferring the privileges to the people based on the same sign.

Disciplinary responsibility – particular type of responsibility, imposed upon violation of the internal regulations of the Academy by the personnel or the students. The following shall be applied in capacity of the disciplinary responsibility remedy: warning; notice; deduction of the salary; financial sanction; deprivation from the official duties with termination of waging; dismissal; termination/suspension of the status. One responsibility remedy solely shall be applied to one disciplinary misconduct.

Damage – material loss, physical or moral trauma.

Fraud – unacceptable action, when the person through unconscientious actions tries to gain preference or the right on the property owned by the other person.

Self-deterrence (deterrence) – the situation, when the preliminary investigation officer declares self-deterrence in view of prevention of existent or possible conflict of interests.

² Deriving from the wide range of the medical activity and training, the number of Articles of the Code according to the specification is better adjusted to the target discipline, for instance: the Articles of the Code providing the clinical part are primarily purposed for the students and the academic/engaged personnel participating in implementation of the clinical disciplines and the academic course of which has been held in the Clinics peculiarly. Similarly, the Articles providing teaching and research, concern all the persons involved in hereof processes. The part of the Code, concerning the students, shall apply to the students and researchers as of the pre-diploma, so the post-diploma programs.

³ Todua, Ergemlidze et.al.: “Definitions of the Main Legal Terms”, Tbilisi, Court of Appeals (2010).

Conflict of interests – real or possible contradiction between the personal interest and the professional duties of the person.

Code – normative document, unifying the norms of the conduct and professional duties of the Academy, and serving for enhancement of academic policy within the organization.

Committee – the representative council, composed of the administrative, academic and financial personnel. The plenum of the Committee can be convened as in full, so in partial composition, deriving from the nature and gravity of the agenda issue.

Compensation – type of the financial sanction, imposed to the offender in the event of damage or destruction of the property of TMA.

Defendant – the person under suspect of illicit action or misconduct.

Investigation – the action, held in view of collection of the evidences.

Hearing (same as the administrative sitting, administrative meeting or the formal meeting) – the formal process, held on the basis of the outcomes of the investigation and aiming at consideration of the misconduct, hearing of the parties and impartial assessment of the process.

Evidence – the document providing the information related to the ongoing case, or any other object on the basis of which the facts are being confirmed or rejected.

Norm – the rule of certain conduct established under the Regulations or the habit.

Responsibility (sanction) – the legal consequence following the illicit action or misconduct of the person. Gravity of responsibility depends on the jeopardy of the action or quality of culpability of the offender.

Penalty – form of responsibility, when the offender is imposed with the monetary fine in favor of the Academy.

Conditional responsibility – shall occur in the event of availability of the ground that the misconduct/illicit action may be corrected without imposition of the sanctions. The Administrative Committee establishes the probationary period for the offender during which he/she shall not be suspected in any undue action and shall in good faith exercise the assigned duty.

Excusable reason – disease, (objectively substantiated) bereavement or any other particular objective circumstances, which independently from the person makes implementation of his/her duties impossible.

Instigator – the person, who through the active physical and/or other impact triggers the intention of the other person to commit illicit action and/or misconduct and thus, fulfills his/her conspired goal through this person.

Preliminary investigation – aggregation of the actions implemented by the investigation officer aiming at determination of the illicit action or misconduct and detection of the offender.

Hooliganism – gross violation of the internal regulations of the Academy, when the person through coercion or menace of coercion grossly violates the order and expresses evident disrespect to the Academy, its personnel and the students.

Collective misconduct – the illicit action or misconduct, committed by two or over persons.

V. Academic Integrity Policy and Administrative Issues

1. Fundamental Values of Academic Integrity:

1.1. The hereby document is based on and facilitates to the persons involved in the activity of the Academy to enhancement and intensification of the values as follows:

- Integrity;
- Justice;
- Trust;
- Mutual respect;
- Responsibility.

Protection of hereof values is mandatory for all the persons involved in the activity of the Academy regardless of the title and the type of activity, is it teaching, learning, assessment, scientific study or any other activity. The hereof values, in their return conclude the obligations, failure or undue implementation of which shall be doomed to be the illicit action or misconduct and shall be subject to punishment under the Code.

1.2. Fairness of the Process

The Academy realizes importance of regulation of the academic misconduct issue and acknowledges necessity of the timely management mechanism thereof in unbiased and reasonable manner upon availability of the certain facts. Each case, within the investigation process, shall be considered on individual basis, arguments of the both parties shall be heard and the decision shall be made pursuant to the Code.

The obligation to confirm the fact of academic misconduct shall be imposed on TMA. The balance of probabilities shall be doomed to serve the standard of the evidences, implying that in case of availability of the grounded suspicion of the fact of misconduct, the information submitted shall serve the reliable basis for investigation than the assumption that the students/personnel have not committed the illicit action.

1.3. Acknowledgement of Academic Integrity

All the persons involved in the activity of the Academy, regardless of the type of the activity and the status, shall be cognizant with the principles and values of the conduct provided under the hereby document. In case of availability of the latter, they shall be considered with the administration of the Academy. Essential questions of the students regarding the Code of Conduct shall be discussed with the representatives of the Department of Management of the Academic Process.

1.4. Education and Academic Integrity

For the students and the academic personnel, involved in the pre-diploma and the post-diploma educational program, and/or implementing the scientific study on the basis of the Academy or through use of the material-intellectual resources, the activity shall necessarily be conducted within the ethical norms, in line with the Regulations as of the Academy so of the Clinic, deriving from the specification and independence quality of the activity sphere.

1.5. Code of Professional Conduct and Misconduct

In the number of events, the students shall adhere to the standards of the Code of Professional Conduct and/or conduct regulations for successful accomplishment of the clinical rotation or the module. In such cases, the advantage shall be conferred to the Regulations of the Clinic/Organization and the ethical regulations.

2. Essence and Types of Misconduct

The misconduct can conditionally be divided into the *academic* and *administrative* misconducts. The misconduct may be of the solely academic or administrative, or of the mixed nature.

- *Academic misconduct* shall imply any action contradicting to and impeding the Academy in fair assessment of the academic progress of the students by the Academy, granting the student with the unmerited academic preference or benefit;
- *Administrative misconduct* (or violation) shall imply the action, contradicting to the internal regulations of the Academy, impeding the course of the working process or is directed to damage of the material-technical property or inventory of the Academy.

Academic misconduct including but not limited with the actions as follows:

2.1. Plagiarism – including but not limited with the following:⁴

- 2.1.1. Appropriation, introduction, citing of the works by the other person, regardless the type: verbal, visual, creative ideas etc., including the material collected via internet, claiming the material as self-authored without due citing;
- 2.1.2. Claiming the works, ideas and theories of the other persons as self-authored without due citing;
- 2.1.3. Claiming the contribution, assistance and changes introduced by other persons into the work as self-authored without due citing;
- 2.1.4. Claiming the team work as self-authored without due citing;
- 2.1.5. Introduction of one and the same papers within the tasks of two or over academic courses in view of obtainment of the activity points, without the written consent of the leader/implementer of the course;
- 2.1.6. Paraphrasing the work of the other person in minor manner through alteration of a small part of the words without due reference to the original work and the author.

2.2. Fraud – including but not limited to the following:

- 2.2.1. Unauthorized use of the various devices, including the wireless communication equipment and electronic computing machinery without the preliminary permit upon the course of the test, examination, quiz or any other assessment procedure;
- 2.2.2. Recopy the correct answers of the questionnaire, examination, quiz, laboratory report, practical works or any other assignment of other person;
- 2.2.3. Recopy of the answers of the individual task regardless of the type from other students with or without their permission;
- 2.2.4. Consultation with other person upon the examination beyond the examination hall and revision of the material;
- 2.2.5. Omitting/leaving the examination point without the answer and introduction of the changes to the examination papers after the examination without the written permission of the leader of the course and the Dean;

⁴ Plagiarism and the types thereof, as well as the prevention and detection mechanisms are defined in the guideline for the students and the personnel.

- 2.2.6. Re-pass the modified examination paper after assessment of the existing one;
 - 2.2.7. Submission of the modified, falsified or fraudulent research data;
 - 2.2.8. Unconscientious obtainment of the examination tests, cards or any other confidential information through extortion, theft, blackmail, menace or any other way;
 - 2.2.9. In the event of existence of the preliminary restrictions, implementation of works and contribution in the individual paper of the other student.
- 2.3. Misinterpretation of the Personal data and/or academic progress⁵** - including but not limited to the following:
- 2.3.1. Submission of the acquired or stolen papers within the scientific-research activity, including the course works, presentation etc.;
 - 2.3.2. Imitation or presentation of other person in personal, written or electronic form; (the imitated, as well as imitating persons shall be subject to the administrative penalty);
 - 2.3.3. Modification/misinterpretation of own information or personal information and/or academic progress of other person;
 - 2.3.4. Modification and/or concealment of the information reflecting the academic progress, including the documents reflecting entry, academic transcripts, notes and letters issued by the Academy etc..
- 2.4. Submission of the false information⁶** - including but not limited to the following:
- 2.4.1. Submission of the modified, false or fraudulent documents in view of academic advantage, including the health note, travel document, financial documentation etc.;
 - 2.4.2. Submission of the modified or fraudulent educational documents in view of entry to the Academy or recognition of the credits;
 - 2.4.3. Falsification of any document issued by the Academy, including the academic transcript, letter, note, recommendation etc. in any manner;
 - 2.4.4. Submission of the false, modified or fraudulent letter of reference.
- 2.5. Facilitation to the Academic Misconduct and Illicit Action** – including but not limited to the following:
- 2.5.1. Offering and sharing the various written papers, including the essays, examination or control questions and answers, test questionnaires or any other task to the students by the academic personnel, as well as by the students without preliminary directive and the permission of the Dean; exchange and sale of various papers in any manner;
 - 2.5.2. Attempt of any form to receive the assistance from other students or the academic personnel; recopy and facilitation to academic fraud upon the examination, control test and any other assignment.
- 2.6. Damage of the material-technical property and inventory of the Academy⁷:**

⁵ Violation may be in the form of the academic, as well as the administrative misconduct.

⁶ Violation may be in the form of the academic, as well as the administrative misconduct.

- 2.6.1. Damage of the inventory of the Academy shall include but is not limited to the following:
 - 2.6.1.1. Modification/damage of the academic paper of other students in view of academic preference;
 - 2.6.1.2. Damage of the laboratory equipment or any other damage inflicted upon the practical works and research activity;
 - 2.6.1.3. In view of impediment to activity of other students, non-purposeful use of the property of the Academy, modification, concealment or restriction of access thereto in any other manner;
 - 2.6.1.4. Unauthorized obtainment of the material related to the academic process and the academic courses, including the tables, syllabuses, academic hand-outs etc., including through deception, extortion or theft, modification thereof for further use;
 - 2.6.1.5. Unauthorized obtainment of the property of the library, including the books, printed material, as well as e-resources, including the magazines, articles etc., damage and modification, as well as concealment or destruction thereof;
 - 2.6.1.6. Damage of, vandalism on the statements, posters etc., posted in the Academy.
- 2.7. **Unauthorized use of the intellectual property shall include but is not limited to the following:**
 - 2.7.1. Distribution, sale of the intellectual property without the permission of the author, or any other use thereof for the profit (material, academic etc.). Hereof paragraph concerns any informational resources available in the Academy, including the slides, presentations used by the pedagogues, their essays, research papers etc.;
 - 2.7.2. Use of information available on internet or in any other resources without due citing and claiming hereof information as self-authored;
 - 2.7.3. Use of the intellectual property for commercial purpose.
- 2.8. **The administrative misconduct shall include but is not limited with the following:**
 - 2.8.1. Violation-misconduct of the regulations of the examination center, attempt to fail and impede the examination process in view of academic preference or for the purpose of discrediting other students;
 - 2.8.2. Violation of the requirements of various academic courses and the Department, as well as instructions and the regulations, including the laboratory and clinical disciplines as in TMA, so in the affiliated clinics;
 - 2.8.3. Undue adherence to the professional obligations in the affiliated clinics of the Academy, demonstration of the professional negligence and indifference, as well as negligence of the internal regulations and instructions of the clinic;

⁷ Violation may be in the form of the academic, as well as the administrative misconduct.

- 2.8.4. Indecent, unethical or other immoral action on the territory of the Academy or at the event organized by the Academy, impeding to due management of the process, including use of alcohol or drugs or appearance at the Academy under alcohol/drug effect;
- 2.8.5. Provocation of the students, organization of gambling and participating therein, impediment to the employees of the Academy etc.;
- 2.8.6. Submission of the claim providing inaccurate/false information against the pedagogue, student or the administrative personnel;
- 2.8.7. Mention of the employees of the Academy in unaccepted form and encouragement of others to the similar action;
- 2.8.8. Intimidation of the students and the personnel of the Academy through false information, menace or any other pressure and thus, damage of the reputation of the Academy.

3. Quality of Misconducts

- 3.1. The gravity and quality of the misconduct, as well as the respective sanctions shall be defined taking the circumstances and the specification into account by the respective Committee.
- 3.2. Illicit actions and misconducts shall be conditionally divided into two categories: light and grave. Violation, in significant confrontation with the values of the Academy or putting the shade on the activity of the Academy shall be classified as the grave violation.
- 3.3. **The light misconduct and/or illicit action includes:**
 - 3.3.1. Undue and undesired implementation of the directives of the ruling team of the Academy;
 - 3.3.2. Violation of the legal regulations and/or requirements of the Academy;
 - 3.3.3. Negligence of the Regulations, policy, rules and procedures of the Academy;
 - 3.3.4. Rude, indifferent or abusive behavior towards the leadership, administration, academic personnel, students of the Academy and other persons, including towards the personnel of the affiliated clinics of the Academy, patients and the students of other Universities attending the same clinic at the same time;
 - 3.3.5. Insult of the physical, psychological and/or verbal nature towards the leadership, administration, academic personnel, students of the Academy, including intimidation and other pressure;
 - 3.3.6. Negligence of the possibilities of the potential conflict of interests (financial, professional or personal) and undue response thereto;
 - 3.3.7. Violation of the security measures and rules of the working and academic process for the personnel and the students of the Academy, and thus, putting the health of others under risk;
 - 3.3.8. Negligence of the rules and procedures of the data and/or intellectual property protection and undue adherence thereto;

- 3.3.9. Disobedience to the decisions of the leadership of the Academy or violation of any other subordination, that may undermine the authority of the Academy;
- 3.3.10. Co-participation in the disciplinary offense;
- 3.3.11. Damage inflicted to the property of the University through imprudence;
- 3.3.12. Use of the alcohol or drugs on the territory of the Academy, as well as unacceptable behavior or inefficiency entailed with the drug effect;
- 3.3.13. Violation of the terms defined by the Academy and absence on the basis of unsanctioned or inexcusable reason without preliminary notice to the respective structure;
- 3.3.14. Unsanctioned or illegal use of the property of the Academy;
- 3.3.15. Smoking in the premise of the Academy;
- 3.3.16. Violation of the professional and academic standards of the Academy, including with undue apparel, behavior in the public and social activities;
- 3.3.17. Academic and administrative violations in the scientific-research process;
- 3.3.18. Impeding others or attempts of impediment, including attempts to trigger the sabotage of the academic, as well as the administrative process, protraction/wasting time etc.;
- 3.3.19. Abuse of any leave, including the leave on health basis or maternity leave, as well as dismissal from the academic process;
- 3.3.20. Discrimination on the physical, religious, ethnic, gender or any other basis.

3.4. Grave misconduct shall include as follows (the list is of the visible nature and the nature of the violation shall be defined on individual basis, taking the specification and circumstances into account):

- 3.4.1. Disclosure of the confidential information about the examinations or other assessments in view of academic advantage or in any other view, including preliminary provision of the tests, examination points and questionnaires without the permission of the Dean;
- 3.4.2. Plagiarism (see 2.1);
- 3.4.3. Gross violation of the regulations of the Academy and the professional duties, that may entail significant loss or damage, including termination of the Agreement ahead of time;
- 3.4.4. Participation in conflict of interests and/or facilitation to trigger of the conflict;
- 3.4.5. Unfair and biased interpretation of the results of the examinations, or assessment of any other works of the students;
- 3.4.6. Any fraud, including: in terms of qualification, implementation of the professional duties, cost estimation or demand of remuneration of overtime;
- 3.4.7. Damage to the health of the personnel, students and guests of the Academy;

- 3.4.8. Deliberate damage, theft and/or destruction of the personal articles of the personnel, students and guests of the Academy, significant damage or destruction of the property of the Academy;
- 3.4.9. Misleading the leadership of the Academy upon recruitment and provision of inaccurate information in view of advantage, that may affect the final decision of the employer;
- 3.4.10. Provision of incorrect or modified information to the leadership of the Academy in response to the certain inquiry;
- 3.4.11. Labor relations with other institutions in the event of availability of the agreement on cooperation with the Academy without the preliminary consent of the leadership of the Academy, as well as the attempt to win the personnel of the Academy over to the other institutions;
- 3.4.12. Gross violation of the security rules and norms of the Academy;
- 3.4.13. Gross violation of the norms on protection of data and intellectual property in the Academy;
- 3.4.14. Significant intimidation, physical or psychological abuse and discrimination;
- 3.4.15. Repeated attempt of use of alcohol and drugs, as well as in the event of grave addiction, and the inefficiency or undue actions as a result of addiction;
- 3.4.16. Attempt to damage the IT system, data base and examination system of the Academy;
- 3.4.17. Falsification, fabrication and misinterpretation of the academic results, including the research data;
- 3.4.18. Evident disobedience to the reasonable and legitimate instructions of the leadership of the Academy;
- 3.4.19. Violation of confidentiality;
- 3.4.20. Gross violation of the internal regulations and professional duties of the affiliated clinics of the Academy;
- 3.4.21. Criminal offense that may impede the academic and administrative personnel, as well as the students in due implementation of their duties;
- 3.4.22. Any action or inaction that may entail termination of the agreement.

4. Investigation of culpability

- 4.1. In the event of the grounded suspicion of the illicit action by the student, academic or administrative personnel, the Head of the Quality Management Department shall appoint the investigation officer taking the specification of the accusation, gravity and circumstances into account, to ensure the preliminary investigation.
- 4.2. The primary objective of the preliminary investigation is to determine whether the disciplinary violation or misconduct has taken place. In the event of availability of the sufficient evidences, the investigation officer shall report to the Quality Management Department, which shall define the type of the violation and shall engage the respective Committee which, deriving from gravity of the violation, shall

define the further remedies (initiate the investigation or hold consultation with the offender).

- 4.3. The interests of the both parties – plaintiff and defendant shall be protected upon investigation. Violation of confidentiality and discrediting any of the parties shall be inadmissible. The investigation shall be held in delicate and objective manner. In the event, if the investigation officer detects the threat of potential conflict of interests, or there is the threat of partiality thereof, the investigation officer shall notify the Principle and require dismissal from the assignment.

5. Remedies and Stages of Punishment

5.1. Informal stage:

- 5.1.1. Light and minor violations, especially if they are of the initial nature, shall be doomed to be informal. The hearing of the case shall be held in unofficial manner, within which the recommendations shall be developed in line with the standards of the conduct in view of improvement of the professional conduct. The recommendations shall be provided to the defendant in writing.
- 5.1.2. In the event of detection of the false accusation or incorrect information by the plaintiff, the plaintiff shall be provided with the written notifications on the basis of the recommendations of the Professional Conduct and Ethics Code.
- 5.1.3. Informal meeting shall not constitute the part of the disciplinary remedies and shall be of the recommendation nature solely in order to increase the standards of the professional conduct, though in the event if the after the informal meeting, the student/personnel fails to demonstrate aspiration to fulfillment of recommendations in good faith and to improvement of the professional conduct, the hearing of the case may be restored in view to undertake due measures.
- 5.1.4. In the event, if the behavior of the student/personnel remains unsatisfactory, the Administrative Committee shall be entitled to expose the offender to the additional consultations or the training, in case of refusal to which by the offender the hearing will be resumed in view of disciplinary remedies.

5.2. Formal Disciplinary Actions and Remedies

- 5.2.1. Upon necessity of disciplinary action, the investigation officer shall collect the case material in complete and impartial manner prior to consideration of the case;
- 5.2.2. The issue of formal disciplinary responsibility may emerge in the events as follows (including but not limited to):
 - 5.2.2.1. Inefficiency of informal attempts of elimination of the existent violations and the problems;
 - 5.2.2.2. Warning earlier served to the student/personnel, the term of which has not expired upon initiation of the investigation;

5.2.2.3. Gravity of the initial misconduct, solution of which in informal manner is not expedient;

5.2.3. Upon the significant accusation towards the student/personnel, termination of the duties may appear necessary in some cases.

5.3. Warnings

5.3.1. The disciplinary violation, according to the conclusion of the meeting of the Administrative Committee, may be subject to the sanctions as follows:

Warning of the first quality;

Strict warning of the second quality;

Final warning of the third quality.

5.3.2. The compensation - in the event of the damage or destruction of the property of the Academy by the student and/or personnel, the compensation may be imposed as in insulated manner, so in combination with other sanctions.

5.3.3. In the event of warning to the student/personnel, respective record shall be made into the personal file (in the Office of the Management of the Academic Process or in the Human Resources Department), extraction of which shall be ensured solely upon expiration of the validity term of the warning in the event of satisfaction of the standards of the behavior. Duration of the warning shall be defined on individual basis.

5.3.4. Duration and quality of the sanctions shall be defined deriving from the type and gravity of misconduct taking the existing mitigating and aggravating circumstances into account.

5.3.5. Misconduct by the personnel employed with the probationary period and no more than 6 months have passed upon conclusion of the labor agreement with whom, shall be automatically classified as the final warning of the third quality.

5.3.6. The Committee shall make the decision within the term of five days upon the hearing with due written notice to the offender, resuming the paragraphs as follows:

Main accusation and the Committee decision;

Imposed sanction (if such) and duration of the warning;

Results of any further misconduct within the warning period, including further disciplinary measures and possibility of final dismissal;

Right of the offender to appeal and the appellation procedure.

5.4. In the event of durable absence of the offender, the warning period shall be terminated upon his/her absence and shall be resumed after the student/personnel is back to the academic process/professional activity.

6. Termination of Authority/Dismissal

6.1. In the events, when the issue of termination of authority and dismissal of the personnel/student is on agenda, in case of availability of the due basis, temporary

termination of his/her authority may be recognized as expedient prior to accomplishment of investigation and final decision-making, regarding which the defendant shall be notified in writing.

- 6.2. The defendant shall be informed about the essence of his/her culpability, as well as about results of the preliminary investigation and possible solutions of the disciplinary hearing, including about dismissal and termination of authority.
- 6.3. Prior to the final decision, each case shall be considered in individual manner taking the available evidences, circumstances and the arguments into account in adherence to the principles of justice and equality.
- 6.4. In the events of gross misconduct or availability of respective substantiation, the offender may be preliminarily dismissed without the warning and financial compensation.
- 6.5. The conclusion of the disciplinary hearing and the possibilities of appeal shall be notified to the defendant in writing within the term of five business days upon the decision-making. In the event, when the decision on dismissal of the offender (personnel/student) is made, the ground and circumstances of the dismissal shall be in details formulated in writing.

7. Appeal

- 7.1. The defendant shall be entitled to appeal the official warning and other sanctions, including the decision on dismissal;
- 7.2. In view of appeal, the defendant shall in writing address to the Quality Management Office within the term of ten business days upon announcement of the decision of the disciplinary hearing, followed with the Head of the Office to initiate the case and delegate it to the Administrative Committee for re-investigation.
- 7.3. The letter of the appeal shall clearly provide the grounds of appeal, including the arguments justifying the defendant, mitigating circumstances and the gaps if any, during the preliminary investigation and/or investigation.
- 7.4. The appellation hearing shall be convened within the term of ten days upon demand of the appeal, during which the appealed decision shall maintain the legal force.
- 7.5. The date of the appellation hearing and the list of the necessary documents subject to be submitted by the defendant shall be provided in writing 3-5 business days prior to the appointed date.
- 7.6. The appellation hearing may be of the full or partial nature deriving from gravity of the culpability and severity of the decision.
- 7.7. The result of the appellation hearing, deriving from the arguments and evidences provided by the defendant, may be defined as follows: annulment, mitigation or maintenance of the decision. The decision of the appellation hearing shall be final and shall not be subject to revision.
- 7.8. The decision of the appellation hearing shall be notified to the defendant within the term of five business days upon decision-making.

8. Prevention of Academic Misconducts

- 8.1. Prevention of academic misconducts constitutes the part of the policy of academic integrity of TMA.
- 8.2. The Academy, in view of prevention of the academic misconduct, shall ensure uninterrupted provision of the academic and administrative personnel, as well as the students and researchers with the information about the ethical standards and norms of activity in the Academy.
- 8.3. The Academy shall be entitled, in view of prevention of the possible misconducts, to estimate the level of ethical awareness of the personnel/students and in the event of undue outcomes, ensure increase of their awareness through encouragement of trainings and high ethical behavior norms.

9. Revision Procedure

- 9.1. The Code of Academic Action and Conduct, as well as the procedural part thereof shall be subject to revision once per six years in view of further improvement.

Annex A – procedure and authority levels of formal consideration of the disciplinary and appellation procedures:

a.1. The term “*investigation officer*” shall be used towards the members of the administrative personnel of the Academy, subject to be appointed by the Quality Management Office and the primary objective of which constitutes detection of the misconduct and preliminary investigation.

a.1.2. “*Administrative Committee*” shall imply the representative council, unifying the administrative, academic and financial personnel, as well as the Heads of the Academic and Research Centers and the Departments. The Committee shall consist of at least three and no more than ten members. The council may be convened as in full so in partial composition, depending on the gravity and nature of the misconduct. The composition of the Administrative Committee shall be endorsed by the Principal on the basis of the address by the Quality Management Office. The full composition of the Committee shall be revised once per annum in the beginning of the academic year.

a.2.1. In the event of the misconduct by the Head of any of the Departments as from the administrative, so from the pedagogical and scientific-research spheres, who at the same time is the member of the Administrative Committee, the disciplinary hearing shall be assigned to the Deputy Principal of the Academy for Administrative Issues.

a.2.2. The recommended composition of the Administrative Committee for the hearing:

The warning of the first and the second levels	The Dean of the Faculty, Head of the Research Department, representative of the Department for Management of the Academic Process
Appeal of the warnings of the first and the second levels/sanctions	Representative of the Department for Management of the Academic Process, Head of the Quality Management Department
The final warning of the third level	Deputy Principal for the Administrative Issues, Head of the Legal Department, Head of the Quality Management Department
Appeal of the third level warning/sanction	Head of the Quality Management

	Department/Supervisory Board
Termination of authority/dismissal	Supervisory council/Dean
Appeal of termination of authority	Principal

a.2.3. The final decision of the disciplinary sitting shall be submitted to the Principal for ratification.

Annex B – Main Principles of Disciplinary and Appellation Procedures

b.1. Principles and Definitions:

b.1.1. The disciplinary measures shall not be imposed until fundamental consideration of the case and adoption of the conclusion.

b.1.2. The disciplinary procedure may be of informal or formal nature, deriving from gravity and quality of the accusation.

b.1.3. After the first warning, other than exceptional grave cases, termination of authority/dismissal shall not be considered in capacity of the sanction.

b.1.4. The member of the personnel shall be entitled to appeal the results of the formal revision, including the decision on termination of authority/dismissal. The member of the personnel shall be notified about his/her right after announcement of the decision by the Administrative Committee.

b.1.5. The member of the Administrative Committee, participating in decision-making shall be automatically dismissed from the appellation group of the Administrative Committee.

b.2. Right to Accompany

b.2.1. the member of the personnel shall be entitled to, at the formal consideration that may end with the formal warning and with confirmation of termination of authority/dismissal, warning or dismissal, be accompanied.

b.2.2. The accompanying person may be the member of the administrative or the pedagogical personnel, active student or member of the internal organizational unit of the Academy.

b.3. Organization and the Principles of the Formal Consideration

b.3.1. In the event of convocation of the formal meeting that may entail formal warning or dismissal, the defendant shall be allowed considering the culpability issues and defending own position. The defendant shall be notified about the hearing in writing at least three and no more than 5 business days prior the meeting deriving from gravity of the culpability.

b.3.2. The defendant shall be provided with the information as follows:

1. Date, time and venue of the formal meeting
2. Description of culpability and related information subject to be considered at the formal meeting
3. Identity of the chair of the meeting/chair of the Administrative Committee, or identity of the person convening the meeting
4. Identities of the witnesses if any
5. Right of the defendant to be accompanied
6. Other information related to consideration that may be useful for the defendant

b.3.3. Two days prior to the administrative hearing, the defendant shall submit the information as follows to the Administrative Committee:

1. Identity and position of the accompanying person, if any

2. Evidences and/or documents for the defendant to rely on
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6. Identities of the witnesses, if any
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b.3.4. In the event of aggravation of the health state of the defendant, or in case of any other substantiated excusable reason (bereavement), the defendant shall address to the Administrative Committee in writing (to substantiate own position, enhanced with the evidences) and appeal for postponement of the administrative hearing.

b.3.5. The disciplinary sitting shall consider the estimated misconduct and evidences. The chair of the administrative sitting shall consider the accusations made against the personnel member and the provided evidences. The investigation officer holding the investigation shall submit the report on the investigation process. The defendant shall be allowed defending own positions and introduce the evidences available.

b.3.6. In the event, if the witness of any of the parties is absent at the sitting with the excusable reason, case consideration may be postponed with no more than 5 days.

b.3.7. Both parties of the process are entitled to ask the questions to the witnesses.

b.4. Non-appearance at the Formal Consideration

b.4.1. In the event, if the member of the personnel, the defendant fails to attend at the formal consideration on the excusable reason and without preliminary notification, the administrative meeting shall be held at the appointed time using the available evidences. The decision of the Administrative Committee shall be in writing notified to the defendant.

b.4.2. Any member of the personnel and the students shall in good faith cooperate with the Administrative Committee.

b.5. Termination of Status

b.5.1. In the event of accusation of misconduct to the personnel or the student, the authority of the accused may be expediently terminated. Termination shall not constitute the disciplinary measure and shall be imposed in view of investigation of accusation at maximally unbiased level without protraction. Termination may be expedient in the events as follows:

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| 1. The personnel or the student can be involved in, affect or impede to investigation. |
| 2. In the event of tension or any other complications in relations between the accused, his/her colleagues, students or leadership of Academy, that may be enhanced in the event of attendance of the accused at the job place/lections. |
| 3. In the event, if the attendance of the accused in the Academy impedes to the personnel and/or students, compromises the activity of the Academy and contradicts with the obligations of care of the Academy. |
| 4. In the event, if absence of the accused on the territory of the Academy is necessary for protection of interests of the Academy, including security, financial etc. |

b.5.2. In the hereof events, the member of the personnel shall maintain the salary. Despite terminated authority, the member of the personnel shall ensure close connection with his/her colleagues and thoroughly fulfill the directions of the Administrative Committee.

b.2.5.3. In the event of termination, the Administrative Committee prior to the formal consideration and decision-making, shall keep confidentiality and ensure investigation in delicate manner.

b.2.5.4. The primary objective of termination is to allow effective investigation in order to obtain respective evidences and to define whether the misconduct has been committed, whether it can be solved in informal manner and whether it is expedient to convene the Administrative sitting. The decision on termination shall be made by the authorized person of the Administration of the Academy in consultation with the Human Resources Department and with the consent of the Principal.

b.2.5.5. In the events, deriving from circumstances, termination may be altered with application of temporary measures, for instance: additional supervision, restriction of authority etc.

b.2.5.6. Upon termination, the reason and terms shall be notified to the personnel/student in writing. Receipt of the written information shall automatically confirm the act of termination. The act of termination shall be of minimal nature and shall serve for the hereof objective solely.

Annex C

c.1. Role of the Human Resources Department

c.1. The Human Resources Manager shall ensure support of the disciplinary process, covering consultations related to the case; he/she as well ensure recording at the disciplinary meetings and shall appoint the respective person in this view.

c.2. In the events, when the Administrative Committee considers the issue of administrative responsibility of the administrative link of the Administration, the investigation officer shall consult with the Human Rights Manager.

c.3. In the events, when the Administrative Committee considers administrative responsibility of the student, the role of the Human Rights Manager in the investigation process shall be played by the Head of the Academic Process Management Office.