



UNIVERSITATEA BABEȘ-BOLYAI  
BABEȘ-BOLYAI TUDOMÁNYEGYETEM  
BABEȘ-BOLYAI UNIVERSITÄT  
BABEȘ-BOLYAI UNIVERSITY  
TRADITIO ET EXCELLENTIA

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## Addendum to Administrative Council Decision No. 11 622 / 12.09.2022

## GUIDE TO COMBATING DISCRIMINATION



## PREAMBLE

The present guide is an official document regarding the non-discrimination policy of Babeş-Bolyai University and it is based primarily on the provisions of the Romanian Constitution; Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination; Law no. 202/2002 on equal opportunities between women and men; Law no. 1/2011 on national education; Law no. 206/2004 on good conduct in scientific research, technological development and innovation, intellectual property rights; the Code of Student Rights and Obligations, approved by Minister of Education, Research, Youth and Sport Order no. 3666/30.03.2012 and the Code of Doctoral Studies, adopted by GD no. 681/2001.

Babeş-Bolyai University adheres to all European and national laws and regulations on combating discrimination, while its representatives have a vested interest in identifying, better understanding and avoiding any other forms of discrimination. These guidelines for non-discrimination cover educational programmes and activities, recruitment or employment issues, as well as issues related to admission or other social-administrative services provided to students (financial assistance - scholarships, accommodation, meals, facilities for cultural-sports activities, etc.). This guide does not prejudice any legal provisions, freedom of religion and the autonomy of religions, as regulated by Law No 489/2006 on freedom of religion and the general regime of religions, nor any issues pertaining to the double subordination of theological faculties.

Babeş-Bolyai University considers, assesses and treats all persons engaging in academic activities or in university-related activities solely by reference to their personal skills and qualifications or other criteria relevant to their academic activities or situation. In addition, Babeş-Bolyai University guarantees equal opportunities in education as well as in



admission or employment for minorities and people with disabilities through its affirmative action programme designed to ensure equal access opportunities, in compliance with legal provisions, at all stages of the educational and employment related processes.

In line with the European case-law, a differential treatment on grounds of a protected characteristic does not constitute discrimination where, by reason of the nature of the occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that its objective is legitimate and the requirement is proportionate.

The purpose of developing these guidelines is to: a) uphold the commitment of Babeş-Bolyai University to equal opportunities and affirmative action for the protection of vulnerable and/or underprivileged groups; b) establish consistent criteria for assessing situations that may amount to discrimination or harassment; c) promote a safe and non-discriminatory educational and professional university environment and comply with applicable laws by: preventing any acts of discrimination; introducing special measures, including affirmative action, to protect the disadvantaged who do not enjoy equal opportunities; mediation by amicable settlement of conflicts arising from facts or acts of discrimination; taking action against discriminatory behaviour following a complaint filed with the University Ethics Committee; providing assistance and support following discrimination or harassment.



## SECTION I - THEORETICAL AND LEGAL COORDINATES

### Art. 1.

#### *Discrimination*

(1) In line with the mission and cultural components specific to Babeş-Bolyai University, according to these guidelines discrimination means any differentiation, exclusion, restriction or preference based on the criteria provided for by the legislation in force, as well as the refusal or disregard of the right of a person or social category to its own image and conduct (unless this is in contradiction with the laws in force and the legitimate interests of other persons), or any other criterion that may be considered denigrating or offensive. Discrimination thus means the objectively and reasonably unjustified difference in treatment of persons or social groups who are in analogous, comparable or similar situations, or the unequal treatment of persons or social groups in different circumstances.

(2) The criteria (protected characteristics) provided by Romanian law, primarily the Romanian Constitution and special laws, are: race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, age, disability, chronic non-contagious disease, HIV disease, political option, wealth, belonging to a disadvantaged category, family situation or responsibility, trade union membership or activity or any other criterion which has the purpose or effect of limiting, denying or depriving the recognition, use or exercise, under equal conditions, of the rights established by law in the political, economic, social and cultural field or in any other field of public life.

(3) This guide is without prejudice to legal provisions governing substantive and specific professional or admission requirements, depending on the specification of the educational programme or professional activity in question, religious freedom and the autonomy of denominations.



In terms of preventing and combating discrimination and harassment at Babeş-Bolyai University, this guide covers a wider scope and is not limited to the existing legal framework, which is not the sole source of reference, also covering forms of discrimination or harassment that are not currently expressly provided for by the legislation in force.

(4) The decisive factor in identifying a case of direct discrimination shall be the intentional disadvantage suffered by a person, regardless of the manner in which that intention is expressed and regardless of whether it is successful or not.

## **Art. 2.**

### *Forms of discrimination*

(1) Specific forms of discrimination are: direct discrimination, indirect discrimination, multiple discrimination, harassment, victimisation and any violation of a person's dignity, including allowing any form of discrimination by a person within a group with which that person works.

(2) Direct discrimination occurs when a person is treated less favourably than another person who has been, is, or would be in a comparable situation, on the basis of any of the discriminatory criteria provided for by law. Differential treatment based on one of the criteria laid down by law shall not constitute discrimination where, by reason of the nature of a professional activity or of the circumstances in which it is carried out or of the specific nature of an educational activity, the criterion in question constitutes an essential and determining occupational or educational requirement, provided that the objective is legitimate and the requirement is proportionate. Specifically, in the case of professional activities of churches and other public or private organisations whose ethos is based on religion or belief, differential treatment based on a person's religion or belief shall not constitute discrimination where, owing to the nature of those activities or the context in which they are carried out, religion or belief is an essential, legitimate and justified



occupational requirement. Such differential treatment must be exercised in compliance with constitutional provisions and principles, as well as general principles of European law, and cannot justify discrimination on any other grounds.

This guide does not impose a requirement that a person who is neither competent, able nor available to perform the basic duties of a position, or to undergo training, be recruited, promoted or retained for that position.

(3) Acts and practices which are apparently based on criteria other than those provided for by law but which have the effect of direct discrimination shall constitute indirect discrimination unless that provision, criterion or practice is objectively justified by a legitimate objective and the means of achieving that objective are appropriate and necessary.

(4) Multiple discrimination is an unfair differentiation of treatment based on any two or more criteria laid down by law.

(5) Any conduct which amounts to incitement to discriminate against a person or persons on any ground provided for by law shall also be regarded as discrimination.

(6) Under Romanian law, harassment is defined as a manifestation of unwanted behaviour relating to a person's sex, race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, disadvantaged status (whether or not discriminated against or persecuted in the past or present), age, disability, refugee or asylum seeker status or any other criteria, aimed at or having the effect of violating the dignity of the person concerned and creating an intimidating, hostile, degrading, humiliating or offensive environment. This environment is usually created by repetitive unwanted behaviour.

(7) Sexual harassment is the effect of any unwanted conduct of a sexual nature, whether physical, verbal or non-verbal. Pursuant to Law no. 202 of 2002, as republished, on equal opportunities and equal treatment for women and men, any unwanted conduct, defined as harassment or sexual harassment, with the purpose or effect of: causing an atmosphere



of intimidation, hostility or discouragement for the affected person; adversely affecting the person's position in terms of career advancement, remuneration or income of any kind or access to training and further training should the person refuse to accept unwanted conduct related to their sexual life, constitutes sexual discrimination.

(8) Psychological harassment refers to any inappropriate behaviour that occurs over a period of time, is repetitive or systematic and involves physical behaviour, oral or written language, gestures or other intentional acts that could affect the personality, dignity or physical or psychological integrity of a person.

(9) Victimisation refers to any adverse treatment in response to a complaint or legal action related to a violation of the principle of equal treatment and non-discrimination. Consistent with legal provisions, rejection of harassing and sexually harassing behaviour by a person or subjecting a person to such behaviour may not be used as a justification for a decision adversely affecting that person.

(10) Affirmative action refers to programmes that promote equal opportunities and a commitment to a good faith effort to eliminate the ongoing effects of past discrimination or to prevent discrimination against minorities and persons with disabilities and other vulnerable groups. Under national law, positive measures in favour of a person, a group of persons or a community, with a view to promoting their natural development and achieving equal opportunities in relation to other persons, groups of persons or communities, as well as positive measures for the protection of disadvantaged groups, do not constitute discrimination.

(11) Antisemitism is among the most extreme forms of discrimination. In view of the hostile background of antisemitic attitudes with extremely negative consequences, culminating in the regrettable events of the Holocaust in the past, this Guide takes particular account of hostile attitudes of an antisemitic nature, considering that no form of antisemitism belongs in the academic community.



### **Art. 3.**

#### *Protecting freedom of expression and the right to opinion and information*

This Guide may not be interpreted as limiting the right to freedom of expression, the right to opinion and the right to information.

### **Art. 4.**

#### *Legal framework*

(1) Equality between individuals is protected by Article 4 para. (2) of the Romanian Constitution: *“Romania is the common and indivisible homeland of all its citizens, regardless of race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, property or social origin”*, as well as Article 16 para. (1) of the Romanian Constitution, which stipulates the equality of citizens before the law and the public authorities, without privileges and without discrimination (art. 29/Constitution, paragraphs 1-2)

(2) The legal framework of discrimination in a national context is supplemented by Government Ordinance No 137/2000 on the prevention and sanctioning of all forms of discrimination<sup>1</sup>, which guarantees respect for human dignity, for the rights and freedoms of citizens and for the unfettered development of the individual as fundamental values. GO no. 137/2000 sanctions any public manifestation of racist or xenophobic propaganda, instigation or incitement to racial or national hatred, or any behaviour intended or aimed at attacking personal dignity or creating an intimidating, hostile, degrading, humiliating or offensive climate, directed against a person, a group of persons or a community based

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<sup>1</sup> Government Ordinance No 137/2000 on the prevention and punishment of all forms of discrimination transposes into national law the provisions of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between people irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment concerning recruitment and employment.





on their belonging to a particular race, nationality, ethnic group, religion, social category or disadvantaged group, or on their beliefs, gender or sexual orientation.

(3) Legislative instruments in relation to non-discrimination include: Law No 202/2002 on equal opportunities between women and men, republished; Government Emergency Ordinance No 31/2002 on the prohibition of fascist, racist or xenophobic organisations and symbols as well as of promoting the cult of persons guilty of crimes against peace and humanity; the new Penal Code, adopted by Law No 286 of 17 July 2009.

(4) The key reference documents on combating discrimination in higher education are: Law no. 1/2011 on national education, as well as the regulatory acts for the organisation of the education process and the education system in our country; Law no. 206/2004 on good conduct in scientific research, technological development and innovation, intellectual property rights; Code of Student Rights and Obligations, approved by the Minister of Education, Research, Youth and Sport Order no. 3666/30.03.2012; the Code of Doctoral Studies, adopted by GD no. 681/2001; Law no. 489/2006 on religious freedom and the overall regime of denominations and codes of conduct concerning the double subordination of theology faculties.

## **Art. 5.**

### *Statements and commitments*

(1) In line with its long-standing traditions and policies, Babeş-Bolyai University assesses students, employees, applicants for admission, job applicants or persons seeking access to university programmes according to their personal and professional skills and competences, considering the qualifications required to pursue a particular university programme or to fill a particular position.

(2) Consistent with these principles and applicable laws, this guideline articulates the position of the university against discrimination and harassment, which it defines and



bans, outlining the process for reporting violations of the non-discrimination guideline and the related disqualifications for exercising rights under the guideline.

(3) Babeş-Bolyai University strongly condemns antisemitism, defined as the general perception of Jews that is expressed as hatred against them, according to Law no. 157/2018 on a number of measures to prevent and combat antisemitism. Verbal or physical displays of hatred against Jews, public expression of antisemitic ideas, concepts or doctrines, carrying, distributing or making available antisemitic symbols and/or materials are strictly forbidden in all the premises of Babeş-Bolyai University.

#### **Art. 6.**

##### *Applicability*

(1) Babeş-Bolyai University undertakes to foster a safe environment free from discrimination, whether sexual or gender-based, harassment, sexual violence, stalking, bullying or other similar misconduct. Babeş-Bolyai University is aware of its responsibility to raise awareness of such misconduct, to prevent it from occurring, to support victims, to properly but resolutely respond to potential offenders, and to conduct thorough investigations of reported misconduct. In addressing these issues, all members of Babeş-Bolyai University must be respectful and considerate of one another in a manner consistent with deep-rooted academic and community values.

(2) This document applies to members of the Babeş-Bolyai University community (students, master's students, doctoral students, teaching and research staff, auxiliary teaching staff, non-teaching staff) and sanctions a full range of behaviours relating to sex and/or gender which may or may not be related to race, nationality, ethnicity, language, religion, social category, personal beliefs, sexual orientation, age, disability, chronic non-contagious disease, HIV disease, political choice, wealth, belonging to a disadvantaged category, family background or responsibility, trade union membership or activity, or any



other criterion aiming at or having the effect of limiting or denying the equal rights recognised by law, with particular reference to access to the educational programmes and activities provided by Babeş-Bolyai University, employment and relations between the auxiliary teaching staff and third parties.

(3) Discrimination or harassment of any kind against an individual or group (sexual, gender-based, psychological, etc.) whether in relation to race, national or ethnic origin, descent, age, religion or religious denomination, disability or impairment, gender (including pregnancy or maternity, sexual harassment, other deviant behaviour including stalking, sexual violence such as sexual assault, sexual exploitation or coercion), gender identity, sexual orientation, marital status, parental status, atypical hereditary characteristics or any other characteristic or category protected by law are offences prohibited by national law and will not be tolerated by the university. Any person who is aware of such acts committed by members of the Babeş-Bolyai University community may submit complaints to the University Ethics Committee.

(4) These guidelines equally apply to trainees, volunteers or third parties connected with Babeş-Bolyai University in terms of the activities carried out within and/or for the University, who are bound to comply with its provisions. Additionally, if they commit acts or facts of discrimination or harassment outside the activity carried out within and/or for the University, their collaboration with Babeş-Bolyai University may be terminated.

(5) Discrimination and harassment undermine the integrity of the University and unduly impede on the opportunity for all persons to fully engage in the academic, working and living environment of the institution. Babeş-Bolyai University respects human dignity and freedom of belief (including religious beliefs) of each member of its community and believes that each member has a responsibility to promote respect and dignity for others so that all employees and students can pursue their educational and professional interests in an open environment, engage in the free exchange of ideas, and benefit equitably from



the educational and professional opportunities provided by the university. Under the Code of Ethics, professionalism is a fundamental ethical value at Babeş-Bolyai University.

#### **Art. 7.**

##### *Commitment to equal opportunities in education*

(1) Babeş-Bolyai University acknowledges and guarantees equal access for all citizens to all levels and forms of higher education, without any degree of discrimination, in accordance with the provisions of the National Education Law 1/2011. According to the principle of non-discrimination, which governs the activity of students within the academic community, all students enjoy equal treatment at Babeş-Bolyai University, and any form of harassment or discrimination against students is strictly forbidden.

(2) Adopting affirmative action measures, within the limits provided for by law, for the effective implementation of equal opportunities and differential treatment based on an essential and determining occupational or educational requirement, in line with art. 2 paragraph 2 of the present guide, in accordance with national and European provisions shall not constitute discrimination.

(3) According to the provisions of the Code of Student Rights and Obligations<sup>2</sup>, Babeş-Bolyai University guarantees students the right to study in their mother tongue or in an international language, if this is available at the University, limited to the places allocated for this particular study programme; the right to an objective and non-discriminatory assessment of the competences acquired upon completion of a course, in line with the syllabus, and the right to be informed of the grading system used, i.e. the right to be examined by an alternative method when the examinee has a medically certified temporary

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<sup>2</sup> The Code of Student Rights and Obligations was adopted by Order of the Minister of Education, Research, Youth and Sport No 3666 of 30 March 2012.



or permanent disability which makes it impossible for them to demonstrate acquired knowledge in the form established by the course holder, so that the alternative method indicated does not hinder the attainment of examination performance standards.

To ensure an objective and non-discriminatory assessment of students, the teacher must make a declaration of abstention if they are going to examine a person who is their spouse, relative up to the third degree or with whom they have a personal relationship or a contractual relationship, with the exception of contractual relationships related to academic research, that is likely to create any perception of favouritism among other students<sup>3</sup>.

#### **Art. 8.**

##### *Commitment to diversity and equal employment opportunities*

(1) Babeş-Bolyai University abides by laws and regulations seeking to secure affirmative action and equal employment opportunities for all employees and job applicants. Recruitment and promotion decisions or any other employment criteria shall be made irrespective of: race, national or ethnic origin, descent, age, religion or religious denomination, disability or impairment, gender, gender identity (including transsexual), sexual orientation, marital status, parental status, atypical hereditary characteristics or any other characteristic or category protected by law. This provision does not undermine the provisions of Article 2 paragraph (2) of this Guide, in accordance with national and European provisions.

(2) Babeş-Bolyai University considers that the diversity of its workforce should reflect the demographic diversity of the state and of its students. Babeş-Bolyai University works to cultivate a culture of inclusion - one in which individuals from diverse backgrounds and

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<sup>3</sup> Article 17 of the Babeş-Bolyai University Code of Ethics and Professional Conduct, adopted by UBB Senate Decision no. 632/09.12.2013.



holding diverse beliefs can build an environment based on mutual respect, learning from each other and being better prepared to engage in an increasingly global marketplace of ideas.

(3) Under the UBB Charter, competitiveness is the principle which governs membership in the academic community of Babeş-Bolyai University when filling teaching, supporting and non-teaching, research or technical-administrative positions. Employment at UBB takes into account the human resources strategy and the financial sustainability of the position.<sup>4</sup>

(4) No person who is a spouse, relative up to the third degree or has a personal or contractual relationship, except for a contractual relationship related to academic research, with one of the candidates may be a member in any competition or assessment committee of the University<sup>5</sup>. Similarly, all recruitment, selection or employment of staff with administrative responsibilities must be conducted impartially without receiving, accepting, asking for, giving or offering money, goods or any other benefits or favours in exchange of receiving a favour or support to fill an administrative position.<sup>6</sup> When organising recruitment competitions, supporting and non-teaching management shall not favour or discriminate against access to positions based on family relationship, kinship, affiliation or other incompatible criteria.<sup>7</sup>

(5) The present guide is thus meant to secure a framework within which only relevant factors are taken into account and where equitable and consistent standards of conduct and performance are applied. Since professionalism is a fundamental ethical value of Babeş-Bolyai University, a difference of treatment based on a protected characteristic does not

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<sup>4</sup> Art. 20 of the Babeş-Bolyai University Charter.

<sup>5</sup> Art. 18 of the Code of Ethics governing Babeş-Bolyai University.

<sup>6</sup> Art. 23 of the Code of Ethics governing Babeş-Bolyai University.

<sup>7</sup> Art. 18 of the Babeş-Bolyai University Code of Professional Conduct for Auxiliary Teaching Staff.



constitute discrimination if a particular characteristic represents a genuine and determining professional requirement for the performance of an activity, provided that it serves a legitimate purpose and the requirement is proportionate to the objective pursued.

## 1.5. COMMITMENT TO ACADEMIC FREEDOM

### Art. 9.

#### *Academic Freedom*

(1) Babeş-Bolyai University is committed to the principles of academic freedom and believes that meaningful discussion and debate, access to information, the right to information and freedom of expression, exercised within the limits of the law, are an integral part of the university community.

A case in point concerns classrooms and laboratories, since academic freedom protects the expression of ideas in the teaching-learning environment, even if they or their expression might be perceived as offensive, provided that there is a close connection between the conduct or statements that might be the object of a complaint and the subject matter taught. The instructional process is based on the free exchange of ideas and this guide should not be interpreted to limit the right to free expression.

(2) Under the Babeş-Bolyai University Code of Ethics, academic freedom and academic space cannot be related to any of the following: a) political propaganda conducted in the University or in relation to the activity of the University or using its infrastructure; b) religious proselytism; c) promoting extremist, antisemitic, misogynist, racist or xenophobic doctrines or ideas; d) vilification of the University by members of the academic community; e) personal attacks or offensive statements against other members of the academic community.





## 1.6. BABEŞ-BOLYAI UNIVERSITY REGULATORY FRAMEWORK ON NON-DISCRIMINATION

### Art. 10.

#### *Babeş-Bolyai University Core Values*

(1) The University Charter constitutes a fundamental document of Babeş-Bolyai University, setting out the most important provisions on its operation and structure. It contains, among other things, the objectives, mission, principles and values that define its activity.

Babeş-Bolyai University<sup>8</sup> adheres to the traditions of free thought, academic freedom, respect of fundamental human rights and freedoms, political pluralism, democratic principles, ethics, transparency of activities and decisions, and the principles of the rule of law, representativeness, and proportionality. The academic community is open with no discrimination to both Romanian and foreign citizens who hold the requisite certifications. Members of the university community enjoy freedom of thought and expression and the right to perform their duties without discrimination of any kind and without fear of repression.

The University Charter establishes, along with the principle of freedom of expression and the principle of free interaction, the mutual exchange of views and argumentative debate towards the advancement of knowledge.

(2) Babeş-Bolyai University abides by the following guiding principles and values pertinent to the scope of this guide: a) fostering the principle of neutrality from ideologies, religions, doctrines and political parties; b) the principle of multiculturalism and multilingualism; c) respect for intercultural diversity and cooperation; d) the established principle of organising denominational education according to the specific requirements of each religion; e) equal access to education for Romanian and foreign citizens, without

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<sup>8</sup> Art. 12 of the Babeş-Bolyai University Charter.





any discrimination; f) fostering and pursuing national, European and universal values, of diversity and alterity, as embodied in the University Code of Ethics; g) the principle of non-discrimination, whereby all students and employees benefit from equal treatment by the University, which prohibits any direct or indirect discrimination against students or employees; h) the principle of student's right to a fair assessment; i) the principle of respect for the student's right of opinion, as they are a direct beneficiary of the education system; j) the principle of sympathy, respect and support for people with special needs.<sup>9</sup>

(3) In accordance with the provisions of its Charter, Babeş-Bolyai University "equally encourages teaching in Romanian, Hungarian, German and other international languages, as well as the interaction of the respective cultures. Romanian, Hungarian, German and international languages may be freely used in teaching, research, publication as well as in intra- and inter-university communication, with the exception of official documents. Specialisations requiring instruction in minority languages and other languages of international circulation are approved by the Senate.

(4) At Babeş-Bolyai University, the Student Statute acknowledges the principle of freedom of expression, whereby students have the right to freely express their academic opinions within the university where they study (art. 3 letter d), and the right of expression and thought of students (art. 8 paragraph 12). Statutory rights apply to all students (undergraduate, master's and doctoral students, regardless of the form of education), without discrimination based on age, ethnicity, gender, social origin, political or religious orientation, sexual orientation or other types of discrimination, except for affirmative actions as provided by law.<sup>10</sup>

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<sup>9</sup> Art. 32 of the Code of Ethics governing Babeş-Bolyai University.

<sup>10</sup> Art. 4 paragraph 1 of the Code of Ethics governing Babeş-Bolyai University.



(5) The Code of Ethics outlines a detailed code of conduct for ethical relationships in the professional environment involving members of the university community (students, master's students, doctoral students, teaching and research staff, auxiliary teaching staff, non-teaching staff).<sup>11</sup>

Consistent with the principles and values it promotes, under the Code of Ethics of Babeş-Bolyai University, "discrimination or unequal treatment of members of the university community based explicitly or implicitly on extra-professional criteria such as race, gender, ethnicity, religion, membership of minority groups, political beliefs, personal orientations and preferences, etc." are banned and are in direct violation of principles of justice and fairness. At the same time, these extra-professional criteria cannot be used in the university community to cause reverse discrimination.<sup>12</sup>

(6) The Babeş-Bolyai University Code of Ethics bans the following behaviours which are inconsistent with the principle of collegiality, which implies respect and courtesy towards every member of the university community, as well as mutual respect for linguistic, religious, social differences, sympathy, consideration, and support for people with special needs:<sup>13</sup>

- a) discrimination, harassment, physical or mental violence, offensive language or abuse of authority against a member of the university community (student, teaching or research staff, member of the university management, member of the administrative staff);
- b) promoting or condoning such behaviour by the management of faculties, departments or administrative units;

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<sup>11</sup> Art. 1 of the Code of Ethics governing Babeş-Bolyai University

<sup>12</sup> Art. 39 of the Code of Ethics governing Babeş-Bolyai University.

<sup>13</sup> Art. 32-33 of the Code of Ethics governing Babeş-Bolyai University.



- c) repeated formulation of manifestly unfounded complaints or allegations against a colleague;

(7) Apart from this, the Code of Professional Conduct for the auxiliary teaching staff of Babeș-Bolyai University of Cluj-Napoca establishes the following principles of professional conduct:

- a) ensuring equal treatment of third parties, with the obligation to implement the same legal provisions in identical or similar situations;
- b) impartiality and non-discrimination; the auxiliary teaching staff must maintain an objective, neutral attitude towards any political, economic, religious or other vested interest when performing their duties.<sup>14</sup>

Auxiliary teaching staff must maintain an impartial attitude in their relations with third parties, respecting the principle of equal rights by means of promoting non-discriminatory treatment and eliminating all forms of discrimination.<sup>15</sup>

(8) All members of the Babeș-Bolyai University community must observe, in their personal conduct, the values, principles and rights set out above, ensuring their full compliance and implementation. Any such member of the university community must refrain, in their conduct, from committing, promoting or condoning acts or deeds contrary to the values, principles and rights set out, which would amount to discriminatory acts or conduct under the law and the present Guide.

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<sup>14</sup> Art. 8 letters b and d of the Babeș-Bolyai University Code of Professional Conduct for Auxiliary Teaching Staff.

<sup>15</sup> Art. 16 of the Babeș-Bolyai University Code of Professional Conduct for Auxiliary Teaching Staff.



## SECTION II - IMPLEMENTATION COORDINATES

### Art. 11.

#### *Policies and actions adopted at Babeş-Bolyai University*

Eliminating all forms of discrimination at Babeş-Bolyai University is achieved by:

- a) preventing any discriminatory acts by introducing specific measures, including affirmative action, to protect disadvantaged persons who do not enjoy equal opportunities;
- b) mediation through the amicable settlement of disputes arising from acts or facts of discrimination;
- c) punishing discriminatory behaviour following complaints submitted to the University Ethics Committee;
- d) support and assistance where harassment and discrimination are found.

## 2.1. PREVENTING DISCRIMINATION BY INTRODUCING POSITIVE MEASURES TO PROTECT THE DISADVANTAGED

### Art. 12.

#### *Measures to prevent discrimination*

(1) Preventing discrimination requires, first and foremost, recognition of the existence of discrimination and of its forms. To this end, at Babeş-Bolyai University the following tools may be used, but this list is not exhaustive:<sup>16</sup>

- a) providing information on the history and current situation of minority groups;

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<sup>16</sup> How to take a stand against discrimination in academia? <https://www.romaniacurata.ro/publicatii/ghid-pentru-promovarea-egalitatii-si-combaterea-discriminarii-in-universitati/>



- b) involvement in voluntary activities organised by non-governmental organisations promoting the rights of minorities, disadvantaged persons or groups and combating discrimination on any grounds;
- c) including courses on this subject in disciplines dealing with research methodology and ethics;
- d) organising seminars and workshops on discrimination;
- e) development and implementation of policies meant to ensure equal opportunities and treatment at Babeş-Bolyai University;
- f) promoting equal opportunities and anti-discrimination measures within the academic community, focusing on the prevention and mediation of discriminatory behaviour and on the complaint tools available;
- g) helping, through dialogue with other members of the academic community, to shape non-discriminatory behaviour;
- h) developing strategic partnerships with institutions or organisations working in the field of equal opportunities and non-discrimination, including teachers' unions and student organisations, in order to create a more tolerant environment;<sup>17</sup>
- i) incorporating courses to promote tolerance and diversity;
- j) developing learning infrastructure and resources for students with disabilities, considering their specific needs;
- k) improving the transparency of the internal provisions of Babeş-Bolyai University related to the reporting and handling of cases of discrimination.

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<sup>17</sup>[http://sar.org.ro/wp-content/uploads/2016/03/Policy-brief-73-cum-abordam-problema-discriminarii-in-mediul-universitar\\_v.-website.pdf](http://sar.org.ro/wp-content/uploads/2016/03/Policy-brief-73-cum-abordam-problema-discriminarii-in-mediul-universitar_v.-website.pdf)



(2) The affirmative policies adopted at Babeş-Bolyai University include actions to support the social inclusion of Roma and other people from vulnerable groups through the allocation of budgetary places, social scholarships and special places in residence halls.

(3) Babeş-Bolyai University may also establish and adopt periodic strategies and operational plans to support and protect members of the academic community who are part of vulnerable groups.

## 2.2. MEDIATION THROUGH THE AMICABLE SETTLEMENT OF DISPUTES ARISING FROM ACTS OR FACTS OF DISCRIMINATION

### Art. 13.

#### *Complaints and informal settlements*

(1) A complainant may either opt for a formal or an informal handling of the complaint. An informal proceeding aims to curb discrimination, harassment or other behaviour without pursuing a formal investigation.

(2) There are different methods available to pursue an informal redress, which should be adapted to the specific situation. Approaches may include, but are not limited to: advising the plaintiff on how to deal directly with a situation; assisting the plaintiff and the department in handling a real or perceived problem, such as by mediating<sup>18</sup> a departmental solution or assisting in changing a situation wherein the offending behaviour occurred; arranging a meeting with the alleged offender to discuss the guidelines for non-discrimination.

(3) Recourse to an informal resolution is not a precondition for the initiation of the formal dispute proceeding.

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<sup>18</sup> Mediation shall not be used to address or settle any complaints or allegations of sexual assault or other gender-based violence, and victims who have been sexually harassed shall not be made to have to meet the perpetrators.



(4) Where an informal complaint is filed, the alleged offender shall not be disclosed the action or identity of the complainant without the complainant's consent, unless circumstances require otherwise. Where allegations are dealt with informally, no disciplinary action will be taken against the alleged offender and the allegations will not be filed in the personal record of the individual accused of discrimination or in the student's disciplinary record.

#### **Art. 14.**

##### *Mediation*

(1) A party may resort to mediation as an amicable way of settling disputes assisted by a third party on neutral, impartial and confidential terms. Mediation works effectively if it is based on the trust that the parties place in the mediator as a person qualified to mediate between them and to assist them in settling the dispute by reaching a mutually acceptable, effective and durable solution.

(2) Mediation may be carried out with the assistance of a specialised third party mediator or a qualified person from the University. The parties are free to choose their mediator(s) and mediation must be conducted with due respect for the freedom, dignity and privacy of the parties. The mediator will seek to reconcile the conflicting positions of the parties in an unbiased manner and maintain a constant fair neutrality between them. The mediator may not force the parties to reach a settlement of the mediated matter and is bound to protect the confidentiality of the information revealed in the course of the mediation.

(3) The responsibility for mediating and settling any disputes between members of the auxiliary teaching staff and for fostering a climate conducive to teamwork falls within the responsibility of the auxiliary teaching staff management.



### 2.3. PROCEDURE FOR REPORTING DISCRIMINATORY CONDUCT AND FOR PUNISHING DISCRIMINATORY OR HARASSING BEHAVIOUR.

#### Art. 15.

##### *The right to petition*

(1) Any member of the university community may express concerns or file a complaint against discrimination without fear of reprisal. Any member of the University community who becomes aware of an incident of discrimination or harassment is strongly encouraged to report it immediately. It is not necessary for an individual to be the direct target of discrimination or harassment to report it.

(2) Where allegations of discrimination or harassment are made or brought to the attention of teaching or social-administrative staff, they will be addressed immediately. Any person who considers themselves to have been the victim of discrimination or harassment is entitled and advised to report the incident to the person responsible for handling the complaint - formally or informally.

(3) Any allegation against a student as a result of the student's misconduct will be reported to the Babeş-Bolyai University Student Council (CSUBB) Office/Dean of Year/Dean's office and to the Ethics Committee.

(4) Since the conduct covered by this guideline encompasses a wide range of norms of conduct, the manner in which a given case is best addressed may vary, as various alternatives are available to those who believe they were subject to such conduct.

These options may depend on a number of factors, including the seriousness of the allegation, the weight of evidence submitted, the confidentiality considerations involved, and the outcome sought by the complainant.





**Art. 16.**

*Common aspects of procedures for reporting discriminatory or harassing conduct or incidents*

(1) A formal complaint resolution procedure implies an investigation. Depending on the specific situation, both informal and formal resolution processes may be used. Regardless of informal or formal resolution process, the complaint must be filed without delay. Recourse to an informal resolution will not extend the time limit for submitting a formal complaint. A complainant may sometimes choose to pursue no action or to defer action until a later date in order to maintain anonymity.

(2) In reporting discrimination or harassment, Babeş-Bolyai University will take all legal measures to ensure that the members of the university community are protected and the confidentiality of the information and further investigation of the reported allegations.

(3) Through the competent bodies, Babeş-Bolyai University undertakes to respond promptly, fairly and sensibly to any discrimination or harassment allegations and complaints. When the investigation is concluded, Babeş-Bolyai University will take remedial action as appropriate, consistent with the findings of the investigation, in order to both deter recurring behaviour and remedy its impact on the complainant and/or other members of the community.

**Art. 17.**

*Common aspects in relation to establishing cases of discrimination or harassment*

The complainant (either a victim of discrimination or a petitioner) must provide evidence supporting a claim of discrimination and the subject of the complaint must prove that no violation of the principle of equal treatment has occurred. Any admissible evidence, including audio and video recordings or statistical data, may be brought to the attention of competent authorities handling formal or informal discrimination complaints, in



compliance with the provisions of the Constitution on fundamental rights and the statutory provisions.

#### **Art. 18.**

##### *Retaliation ban*

(1) Victimisation in this sense refers to any form of intimidation against persons who, in good faith, exercise their right to file a complaint.

(2) Babeș-Bolyai University bans retaliation against individuals who, in good faith, exercise their right to file a complaint against discrimination or harassment, as defined in these guidelines, to cooperate in an inquiry into discrimination or harassment, or to object to alleged discrimination, harassment or retaliation.

(3) Victimisation or retaliation constitutes a separate and distinct discrimination offence and will be addressed independently of the complaint that generated it.

#### **Art. 19.**

##### *Banning false accusations and protection of persons accused of discrimination or harassment*

(1) Deliberate misrepresentation to a material degree of the reported incident may result in disciplinary action against the complainant. Filing a complaint that does not establish unlawful conduct is not in itself evidence of any intent to file a false complaint.

(2) If the allegations are not substantiated, reasonable steps will be taken to restore the reputation of the individual accused of discrimination or harassment if they have been prejudiced by the complaint.

#### **2.3.1. Referral to the Ethics Committee**



## Art. 20.

### *Taking a complaint*

(1) Any person, from within or without the university, may refer to the University Ethics Committee any misconduct committed by members of the university community in relation to the Code of Ethics and Academic Conduct at Babeş-Bolyai University, respectively to the provisions of Law no. 206/2004, as amended and supplemented, to good conduct in scientific research, technological development and innovation, including actions or behaviour which, under the present Guide, national legislation or European regulations, may be considered discriminatory.

(2) The alleged discriminatory behaviour shall be submitted in writing to the UBB Registrar's Office. Complaints will be submitted in a sealed envelope marked "To the attention of the Ethics Committee". Upon submission, the Registrar's Office personnel will not take the name of the complainant, instead they will only provide the registration number, indicating the purpose of the complaint: "Referral to Ethics Committee".

(3) The written complaint must indicate:

- (a) the identity of the person submitting the complaint (including contact details);
- (b) a description of the alleged conduct involving discrimination;
- (c) the identity of the person referred to in the complaint and any other information required for the purpose of handling the complaint.

By way of exception, anonymous complaints will be taken into consideration if the alleged offence involves discrimination or harassment.

(4) Following a complaint, the university Ethics Committee initiates the procedures outlined in the Code of ethics and academic conduct, respectively by Law no. 206/2004, as further amended and supplemented. The Committee shall reply to the complainant within 30 days of receipt of the complaint if the case is substantiated and an inquiry is initiated, or if the case is not substantiated and an inquiry is not initiated, and will inform the



complainant of the results of its deliberations after their conclusion, unless the complaint was made anonymously.

**Art. 21.**

*Self-initiated inquiry*

(1) The Committee may carry out a self-initiated inquiry into any matter, situation or document issued at various levels which is liable to violate the rules and principles of equal opportunities and equal treatment and which constitutes, prima facie at least, a discriminatory or harassing behaviour.

However, sometimes this impression is a result of confusing and inaccurate information, and the Committee must filter this information and only examine the substantive nature of these breaches where there are clear indications of misconduct.

(2) In order to establish a legal and compliant framework, the self-initiated inquiry shall be made in writing, signed preferably by all members of the Committee.

**Art. 22.**

*Notice parties*

(1) The person who is the subject of the complaint shall be informed of the nature of the complaint and shall be invited to defend themselves before the Ethics Committee. For the purpose of investigating the complaint, the respondent may be heard by the Ethics Committee or may be invited to submit their position in writing.

(2) The respondent shall be summoned at least 5 working days before the date of the hearing. The respondent shall be notified in writing of the legal consequences of failure to attend the scheduled hearing.

**Art. 23.**



### *Case analysis*

- (1) The Committee convenes within a maximum of 30 days from the submission of the complaint. Meetings will be initiated by the Committee chairperson, attendance of all members is mandatory.
- (2) Meetings shall be chaired by the chairperson of the Ethics Committee. Hearing discussions will be collegial and confidential, and the debates will be entered in the meeting minutes.
- (3) Where appropriate, the Committee may, at the request of the parties or of its own motion, summon to a hearing any person whose testimony might be relevant to the investigation of the case. The identity of persons shall be kept confidential.
- (4) Hearings and deliberations shall be conducted in closed sessions. Committee members and any other person privy to documents and the material facts are bound to keep the hearings, deliberations and contents of documents confidential.

### **Art. 24.**

#### *Dispute resolution*

- (1) Motions for resolutions will be submitted to a majority vote of the committees as provided by law. The vote may be secret and the outcome will be recorded in a report to be submitted to the competent authority imposing the sanction.
- (2) If the committee considers that the dispute between the parties can be resolved amicably and the breach of the rules of university ethics is minor, a solution will be proposed to the parties; if a settlement is reached, the committee will duly take note of this and the dispute between the parties is closed.
- (3) Where appropriate, the Committee may call upon experts or groups of experts to be involved in the analysis and resolution of complaints.



- (4) Following its investigation and deliberations, the Committee issues a response or a report with proposals for follow-up action, which it submits to the Rector. The Rector orders disciplinary action to be taken against the person in question.
- (5) The complainant and the respondent shall be notified in writing of the conclusions reached by the Ethics Committee following its investigation and deliberations, unless the complaint was anonymous.
- (6) Decisions of the Ethics Committee on the resolution of complaints related to breaches of the Code of Ethics shall be adopted by a simple majority of the votes of the Committee members and shall be endorsed by the University's legal counsel.

#### **Art. 25.**

##### *Penalties imposed*

- (1) Failure to comply with the obligations of collegiality, justice and fairness set out in the Babeş-Bolyai University Code of Ethics entails disciplinary liability under Law no. 1/2011, Law no. 206/2004 on good conduct in scientific research, technological development and innovation, intellectual property rights, the Labour Code and the internal regulations of the University, and the Babeş-Bolyai University Ethics Committee is responsible for monitoring compliance with these obligations. The disciplinary sanctions for breaching the rules outlined in the present guide are set out in the National Education Law and in the UBB Code of Ethics and Professional Conduct.
- (2) The disciplinary sanctions procedure for discriminatory or harassing actions or behaviour is and shall remain exclusively that provided for by the National Education Law and the UBB Code of Ethics and Professional Conduct.
- (3) The penalties that may be recommended by the University Ethics Committee for teaching and research staff and auxiliary teaching and research staff are as follows:
  - a) written warning;



- b) basic salary cut, cumulated, where appropriate, with a cut in managerial, supervisory and monitoring allowance;
  - c) suspension, for a fixed period of time, of the right to apply for a senior teaching position or for a managerial, supervisory or monitoring position as a member of a doctoral, master's or bachelor's committee;
  - d) removal from a managerial position in education;
  - e) termination of employment on disciplinary grounds.
- (4) The penalties that may be recommended by the University Ethics Committee for student's, master's students and doctoral students are as follows:
- a) written warning;
  - b) temporary suspension of the scholarship;
  - c) loss of the right to be accommodated in the university residence halls for a period ranging from one semester to one year, or permanently for the duration of studies;
  - d) permanent loss of accommodation in University residence halls;
  - e) expulsion;
  - f) other penalties provided for by the University Code of Ethics and Professional Conduct.
- (5) The penalties for administrative staff include the following:
- a) written warning;
  - (b) demotion, with the remuneration commensurate with the position to which demotion was ordered, for a period of not more than 60 days;
  - c) a reduction in the basic salary of 5-10% for a period of 1-3 months;
  - d) a reduction in the basic salary and/or, where applicable, in the management allowance for a period of 1-3 months by 5-10%;
  - e) termination of employment on disciplinary grounds;
- (6) Where, by professional statutes approved by special law, another penalty scheme is established, this shall apply.



(7) The penalties recommended by the Committee must be commensurate with the offence committed. The disciplinary measure shall be taken by the competent authority in accordance with the law.

(8) If a member of the Ethics Committee finds themselves in a conflict of interest during the investigation of a case of alleged discrimination or harassment, they shall withdraw from the assessment of the case and abstain from voting.

#### **Art. 26.**

##### *Legal recourse*

Parties may appeal against the decisions of the Inquiry Committee by means of the administrative or judicial remedies provided for by law.

#### **Art. 27.**

##### *Confidentiality clauses*

(1) To encourage community members to express their concerns and submit complaints, the confidentiality of all parties will be maintained to the fullest extent possible. Confidentiality issues must in all cases be reconciled with enabling Babeş-Bolyai University to investigate and take appropriate action in response to complaints.

(2) Babeş-Bolyai University will treat all parties with equal consideration, deference and respect and do its utmost to preserve the confidentiality of the parties involved, only disclosing the nature of the complaints to those who need to know the case and the parties involved. The legally mandated reporting and disclosure requirements may lead to limitations of the confidentiality policy governed by the European Data Protection Regulation (GDPR).

(3) Throughout the investigation of the complaint against a violation of the Code of Ethics, third parties are not allowed access to the file, except for the state agencies empowered to





investigate the respective claims. Third parties are not allowed access to a file submitted to the Ethics Committee even after the investigation has been closed, with the exception of members of the complaints board, members of the Ethics Council of the Ministry of Education and Research, the competent state agencies, when the incident is the subject of an official investigation provided that confidentiality is not breached.

(4) Babeş-Bolyai University is aware that student and colleague complaints against discriminatory behaviour, harassment or sexual violence may be more comfortably reported to employees of Babeş-Bolyai University whom the students and colleagues in question know well, such as a teacher, supervisor or counsellor. These employees will protect and respect the confidentiality of the claimants to the greatest extent possible and will disclose information only on a need-to-know basis.

(5) If a claimant refuses to cooperate during the course of an investigation or requests that their identity not be disclosed to the person against whom they have made the complaint or to witnesses, the investigation will be carried out to the extent possible relying on the information provided, but the ability to address the allegation may be limited.

(6) Babeş-Bolyai University expects all parties, alleged victims, witnesses, claimants, alleged offenders, and the counsel of parties involved in an investigation to maintain the confidentiality of the investigation. Failure to respect the confidentiality is punishable by law.

### **2.3.2. Referral to the National Council for Combating Discrimination**

#### **Art. 28.**

##### *Referral to the National Council for Combating Discrimination*

(1) The National Council for Combating Discrimination is the autonomous state authority on discrimination that has legal personality and is responsible for enforcing the principle of non-discrimination. A person who considers themselves discriminated against may refer



the matter to the Council within one year from the date when the discrimination or harassment was committed or from the date when they were able to become aware of it and request the remedying of the discriminatory consequences and redress to the situation prior to the discrimination.

(2) The complaint shall be submitted to the Council by email: support@cncd.org.ro or mailed to: Piața Valter Mă răcineanu nr 1-3, sector 1, 010155, București. The complaint must provide the following mandatory information: the full name of the person submitting the complaint; the address and telephone number of the complainant, should additional information be required to investigate the case and to respond to the complaint; the details of the complaint, including the specific allegations of discrimination, their context and the identity of the witnesses who were present; the identity of the party accused of discrimination (address, telephone number, if any, etc.), in order to reach them for a hearing by the NCCD panel or for further investigation.

(3) If the National Council for Combating Discrimination ascertains discrimination or harassment, the offender may be penalised by a fine.

(4) According to GO no. 137/2000, denying a person or a group of persons access to the education system at any form, grade and level because of their racial, national, ethnic, religious, social or disadvantaged background, or on grounds of their beliefs, age, gender or sexual orientation is a violation of the law, without prejudice to the right of an educational institution or establishment to decline enrolment or admission of a person whose knowledge or previous educational achievements do not meet the standards or conditions of eligibility for admission to the educational institution in question, so long as the rejection is not on account of that person's racial, national, ethnic, religious, social or other disadvantaged background or because of that person's beliefs, age, gender or sexual orientation. Nor can this provision be interpreted as restricting the right of the educational unit or institution providing religious instruction to decline admission of a person whose



denomination does not correspond to the requirements governing the admission to that institution.

(5) According to GO no. 137/2000, making a person's involvement in an economic activity or the choice or free pursuit of a profession conditional on their belonging to a specific race, nationality, ethnicity, religion, social category, or on belief, gender or sexual orientation, age or belonging to a disadvantaged group, except in situations where differential treatment is authorised by law, as well as discriminating against a person in relation to: entering into, suspending, modifying or terminating the employment relationship; defining and amending job responsibilities, workplace or salary; training, further training, retraining and promotion; disciplinary measures; the right to join a trade union and to have access to its facilities; any other working conditions, in accordance with the applicable legislation, constitute violations of law.

Art. 2 para. (3) and para. (3) of the present Guide shall apply accordingly.

### **2.3.3. Referral to court**

#### **Art. 29.**

##### *Bringing a case before the court*

(1) A person who claims to have been discriminated against may apply to the competent court or tribunal for compensation and for the reinstatement of the situation prior to the discrimination or for the removal of the situation created by the discrimination, as provided for by ordinary law. The petition shall be exempt from stamp duty and shall not be dependent on a referral to the National Council for Combating Discrimination.



(2) The limitation period for filing a complaint is three years from the date when the discrimination or harassment occurred or from the date when the person in question became aware of it.

(3) Trade unions or non-governmental organisations working for the protection of human rights, as well as other legal persons with a legitimate interest in promoting equal opportunities and equal treatment of women and men may, on the request of a discriminated person, legally represent or assist them during administrative proceedings.

#### **2.3.4. Other ways of reporting discriminatory or harassing conduct or incidents**

##### **Art. 30.**

##### *Appeals and the appeal committees*

(1) Any person who believes that their legitimate rights have been violated following a selection competition conducted in the University may file a complaint with the appeals committees provided for by law or internal regulations. Where there are no special legal or internal provisions, the appeal shall be filed under the ordinary law governing petitions.

(2) The grounds of appeal may be failure to comply with the regulations governing the competition, such as the existence of incompatibilities or conflicts of interest, which may have resulted in discrimination against the applicant or a competitor.

(3) The appeals committees, as well as any other competent university agencies dealing with appeals, are required to consider all the issues raised and to base their decision of dismissal or admission solely on objective criteria. Should there be a difference of opinion between committee members, they will vote according to standard procedures or according to their own decisions where there are no standard procedures.

(4) The decisions of the appeal committees may be appealed against by way of administrative dispute, subject to the deadlines, conditions and jurisdiction stipulated by statute.



## 2.4. ASSISTANCE AND RESOURCES AVAILABLE IN CASES OF DISCRIMINATION OR HARASSMENT

### Art. 31.

*Assistance and resources available in cases of discrimination or harassment*

(1) UBB Ethics Committee representatives are responsible for replying, in a timely manner, to questions about UBB's non-discrimination policies.

(2) The University Ethics Committee is responsible for the implementation of the Guide to Combating Discrimination. The contact person in the committee can provide the following assistance:

- a) provide information on submitting/lodging a complaint with the university or law enforcement authorities;
- b) refer the complainant to alternative forms of protection and support, such as public victim support, health or counselling services, other facilities;
- c) the university counselling and psychological support services, local or national NGOs and legally trained staff are available to provide confidential assistance to university students, faculty and staff, under the terms of the law. They can provide both immediate and long-term assistance.

### Art. 32.

*Support persons*

(1) The complainant and the alleged offender may be supported and/or assisted by someone (support person) at each meeting with the persons designated to conduct the investigation into a complaint they are involved in. This support person may be a union representative, a friend, a family member or a lawyer.



(2) Support persons may attend meetings with the hearing panel, but are not allowed to engage actively in the inquiry process, except when the complainant or alleged perpetrator requests the services of a translator in order to communicate effectively with the person in charge regarding a complaint under investigation. The lawyer may assist the party in accordance with the legal provisions in force.

(3) The unavailability of an assistant is not a valid reason for delaying the inquiry process.

## FINAL CONSIDERATIONS: FURTHER INFORMATION ON HOW TO USE THE NON-DISCRIMINATION DISCLAIMER

Any University department that publishes non-discrimination-related materials must include the following non-discrimination disclaimer: *"Babeș-Bolyai University is an institution that promotes equal opportunities and opposes discrimination."*

**Addendum 1.** The Code of Conduct on Antisemitism is an integral part to this Guide.



## Addendum 1.

### CODE OF CONDUCT ON ANTISEMITISM

#### PREAMBLE

The University is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all its staff and students are respected.

The University recognises that antisemitism and its manifestations contradict this commitment. Historically, manifestations of antisemitism have shown how prejudice and intolerance can lead to systematic harassment and discrimination. Still today, persisting stereotypes, insults and physical violence are experienced on a daily basis by members of the Jewish community across Europe.

The University is committed to being a space of good practice by regulating responses to antisemitic incidents, raising awareness among students and staff and serving as example for society as a whole.

#### Art. 1.

(a) All employees, students and third parties in relation to Babeş-Bolyai University are subject to this policy and must comply with it.

(b) The policy holds employees, students, trainees, volunteers and third parties accountable for antisemitic incidents both within and outside the university premises. These acts or facts also constitute violations of the UBB Charter provisions on non-discrimination.

(c) Subject to the exhaustion of available internal remedies, all parties retain their rights relating to or arising from a complaint in a court of law.



## **Art. 2. Definition of antisemitism**

For the purposes of the University's Policy on Antisemitism, the University applies the legally non-binding working definition of antisemitism adopted by the 31 states of the International Holocaust Remembrance Alliance (IHRA): antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

## **Art. 3. University responsibilities**

(a) The University has the responsibility to ensure a culturally-sensitive environment, free of stereotypes, intolerance and discrimination. The University recognises that antisemitism is one such form of discrimination.

(b) To best address and prevent instances of antisemitism, the University provides opportunities for teacher training to educate on the topics of antisemitism and the experience of the Jewish community.

(c) The training is compulsory for members of the Ethics Committee. Each member is required to attend one training session on antisemitism and the Jewish communities experiences.

(d) The University will provide training opportunities for students according to its capacity.

## **Art. 4. Complaints and penalties**

(a) Staff and students who experience antisemitic discrimination, harassment or vilification, or witness antisemitic speech or behaviour of any kind (as per Article 2) are





encouraged to report it and seek assistance, in accordance with the existing complaint procedures in the Guide to combating discrimination.

(b) As per existing procedures, the consequences for a proven breach will depend on its seriousness. Consequences range from, but are not limited to, an apology and commitment to not repeat the behaviour through to disciplinary action, dismissal, suspension or expulsion. The applicable penalties are listed in Article 25 of the Guide to combating discrimination.

(c) The Ethics Committee is encouraged to consult with relevant civil society organisations in its evaluation of incidents.