

Babeş-Bolyai University

# Guide to combating discrimination



Centrul  
Qualitas

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## PREAMBLE

This guide is an official document regarding the non-discrimination policy at Babeş-Bolyai University and it draws mainly on the provisions of the Romanian Constitution; Government Ordinance no. 137/2000 on the prevention and sanctions of all forms of discrimination; Law no. 202/2002 on equal opportunities between women and men; Law no. 206/2004 on good conduct in scientific research, technological development and innovation, intellectual property rights, Law no. 199/2023 on higher education; and related regulations (such as the Code of Student Rights and Obligations, the Code of Doctoral Studies and the Code of Conduct for the Prevention and Sanctioning of Xenophobia, Radicalisation and Hate Speech).

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 members of the academic community and all persons engaging in academic, administrative activities or in university-related activities solely by reference to their personal skills and qualifications or other criteria relevant to their academic, administrative 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.

The present guidelines apply to all members of the university community, consisting of students, doctoral students, trainees, teaching and research staff, auxiliary teaching and research staff, administrative staff and persons who have been granted membership in the university community by decision of the university senate.

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

The purpose of developing these guidelines is to: a) confirm 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 regulations by: preventing any acts of discrimination or harassment; 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 or harassment; taking action against discriminatory or harassing 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 similar treatment of persons or social groups who are in unequal contexts.

(2) The criteria (protected characteristics) provided by Romanian law, primarily the Romanian Constitution and special laws, are: race, nationality, ethnicity, language, religion, social category, belief, gender, sexual orientation, age, disability, chronic non-contagious disease, HIV disease, genetics, 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 the 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 it adopts in full, but which is not the sole source of reference, also covering forms of discrimination or harassment that are not expressly provided for by the legislation in force at the moment.

(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, discrimination by association, 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 (any act or fact of difference, exclusion, restriction or preference intended to deny, restrict or remove the recognition, use or exercise of rights provided by law), 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 or available to perform the basic duties of a position, or to undergo training, enrol in degree programmes, be recruited, admitted, promoted or retained in the academic community.

(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) Discrimination by association refers to any act or fact of discrimination against a person who, although not belonging to a category of persons identified according to the criteria provided for by law, is associated or presumed to be associated with one or more persons belonging to such a category of persons.

(6) Any conduct which amounts to written or verbal incitement to discriminate against a person or persons on any grounds provided for by law shall also be construed as discrimination.

(7) 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.

(8) 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, including the claiming of sexual favours in an employment relationship or a relationship between higher education staff and students, 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.

(9) Psychological harassment refers to any inappropriate behaviour that occurs over a period of time, is repetitive or systematic and involves physical behaviour, verbal or written language, gestures or other intentional acts that could affect the personality, dignity or physical or psychological integrity of a person, resulting in a hostile, degrading, humiliating or offensive environment.

(10) Specifically, pursuant to Higher Education Law no. 199/2023, bullying - psychological violence - is the action or series of physical, verbal, relational and/or cyber actions, in a social context difficult to avoid, carried out deliberately, involving an imbalance of power, resulting in an attack on one's dignity or creating an intimidating, hostile, degrading, humiliating or offensive atmosphere, directed against a person or group of persons, and includes aspects of discrimination and social exclusion, which may be based on a person's race, nationality, ethnicity, religion, social category or disadvantaged group, or on belief, sex or sexual orientation, personal characteristics, conduct occurring in educational institutions and in all premises intended for education and professional training.

(11) Moral harassment in the workplace means any behaviour towards an employee by another employee who is their superior, by a subordinate and/or by a hierarchically comparable employee in relation to the work relationship aimed at or having the effect of adversely affecting working conditions by violating the employee's rights or dignity, by damaging the employee's physical or mental health or by prejudicing the employee's professional future, in any of the following forms:

- a) hostile or undesirable conduct;
- b) verbal comments;
- c) actions or gestures.

(12) Moral harassment in the workplace is also any behaviour which, by being systematic, is likely to harm the dignity, physical or mental integrity of an employee or group of employees, jeopardising their work or adversely affecting the work climate. Pursuant to GD 137 of 2000 on the prevention and punishment of all forms of discrimination, stress and physical exhaustion caused by such behaviour are considered to be moral harassment at work.

(13) All forms of discrimination and harassment are prohibited in the interaction between members of Babeş-Bolyai University academic (university) community and between members of Babeş-Bolyai University academic community and third parties. The employer will implement a zero-tolerance policy for discrimination and harassment, will handle all incidents promptly and thoroughly and will investigate all allegations of discrimination and harassment.

(14) No internal rules or measures shall be established, in any form whatsoever, that might compel, cause or encourage members of the University community to engage in acts or actions of discrimination or harassment.

(15) Victimisation refers to any adverse treatment in response to a complaint, a referral or legal action related to a violation of legal rights or the principle of equal treatment and non-discrimination. The rejection of morally harassing and sexually harassing behaviour, including psychological violence as defined by Law 199/2023 by a person or the subjection of a person to such behaviour may not be used as justification for a decision affecting that person. Every member of the University community has the right to an academic environment free from discrimination or harassment. No person shall be penalised, dismissed or discriminated against in any way, including pay, training, promotion, continuation of employment or academic career, on the grounds that they have been subjected to or have refused to be subjected to harassment.

(16) Affirmative action refers to measures and 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.

(17) Antisemitism and xenophobia are 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*

(1) This Guide may not be construed as limiting the right to freedom of expression, the right to opinion and the right to information.

(2) On the university premises, the following are strictly banned:

- (a) promoting fascist, legionary, racist or xenophobic symbols and practices;
- b) promoting persons guilty of genocide against humanity and war crimes;
- c) promoting ideas or doctrines that are anti-Semitic, extremist, fascist, irredentist, racist, chauvinistic or xenophobic in nature, excluding their presentation as a subject/topic of study;
- d) activities by members of the university community entailing radicalisation and promotion of hate speech;
- e) denigration of members of the university community by other members, as well as any other personal attacks, attitudes or behaviours in violation of the Code of Ethics;

- f) activities that offend the general moral standards of the university community;
- g) political and/or religious proselytism;
- h) activities that may jeopardize the health and physical or psychological health and integrity of students/learners, teaching, auxiliary teaching, and administrative staff;
- i) activities that amount to harassment or psychological violence/bullying, conducted in educational institutions and in all premises intended for education and professional training.

#### **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. Article 29 para. (1) and (2) of the Romanian Constitution guarantees freedom of thought and opinion, freedom of religious beliefs and freedom of thought, which shall be expressed with tolerance and mutual respect.

(2) The legal framework of discrimination in a national context is supplemented by the Labour Code and 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. G.O. no. 137/2000 (and UBB appropriately) 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

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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.

creating an intimidating, hostile, degrading, humiliating or offensive climate, directed against a person, a group of persons or a community based 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: Higher Education Law no. 199/2023, as well as the regulatory acts governing 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; related regulations, such as the Code of Student Rights and Obligations; the Code of Doctoral Studies; the Code of Conduct for the Prevention and Sanctioning of Xenophobia, Radicalisation and Hate Speech; 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, these guidelines articulate the position of the university against all forms of discrimination and harassment which it takes

action to prevent and combat, define and ban, setting out a procedure for reporting violations of the non-discrimination guidelines, i.e. cases of discrimination and harassment and how to exercise rights in accordance with it.

(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, sexual harassment, sexual violence, stalking, mobbing, moral harassment, 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 and research staff, administrative staff and persons who have been granted membership in the university community by decision of the university senate) 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 criteria 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 members of the university community 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 Higher Education Law 199/2023. 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 individual or group 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) 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 subject, 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 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.

(4) 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.

**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 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.

(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. 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. 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. According to the legal provisions, spouses, relatives up to and including the third degree may not hold offices at the same time so that one or the other is in a position of management, control, authority or institutional evaluation at any level in the same university and may not be appointed to doctoral committees, evaluation committees or selection committees where decisions may affect spouses, relatives up to and including the third degree and may not serve on the same committee legally established.

(5) The present guide is intended to secure a framework within which only profession-related 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 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.

## **1.1. 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.

## **1.2. 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 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) the principle of equal opportunities; f) equal access to education for Romanian and foreign citizens, without any discrimination; g) fostering and pursuing national, European and universal values, of diversity and alterity, as embodied in the University Code of Ethics; h) 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; i) the principle of student's right to a fair assessment; j) the principle of respect for the student's right of opinion, as they are a direct beneficiary of the education system; k) the principle of sympathy, respect and support for people with special needs.

(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) Babeş-Bolyai University acknowledges the principle of freedom of expression, whereby students have the right to freely express their academic opinions within the university where they study and the student's right of expression and thought. 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.

(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).

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.

(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:

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

The following offences are also strictly banned:

(a) discrimination in assessments by reason of race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, age, disability, non-contagious chronic disease, AIDS infection, belonging to a disadvantaged category or any other criterion laid down by law;

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

(7) Apart from this, the Code of Professional Conduct for the auxiliary teaching staff of Babeş-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>2</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>3</sup>

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<sup>2</sup> Art. 8 letters b and d of the Babeş-Bolyai University Code of Professional Conduct for Auxiliary Teaching Staff.

<sup>3</sup> Art. 16 of the Babeş-Bolyai University Code of Professional Conduct for Auxiliary Teaching Staff.

(8) All members of the Babeş-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 discrimination or harassment under the law and the present Guide. Any such member of the university community must also refrain from verbal and physical aggression and humiliating treatment of both the direct recipients of education and other members of the academic community.

## **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 discrimination or harassment 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 discrimination or harassment;
- c) punishing discrimination or harassment following grievances filed 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 and harassment*

(1) Preventing discrimination and harassment starts with the awareness of the existence of discrimination and harassment in all its forms. To this end, at Babeş-Bolyai University the following tools may be used, but this list is not exhaustive:<sup>4</sup>

- a) providing information on the history and current situation of minority groups;
- b) involvement in voluntary activities organised by non-governmental organisations promoting the rights of minorities, disadvantaged persons or groups and combating discrimination and harassment on any grounds;
- c) including courses on this subject in disciplines dealing with research methodology and ethics;
- d) organising seminars and workshops on discrimination and harassment;
- e) development and implementation of policies meant to ensure equal opportunities and treatment at Babeş-Bolyai University;
- f) promoting equal opportunities and combating discrimination and harassment among the academic community, with an emphasis on the prevention and mediation of patterns of discrimination and harassment, respectively on the complaint tools available to members of the academic community;
- g) contributing through dialogue with other members of the university community to educate non-discriminatory behaviour in a broad sense (including harassment patterns);

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<sup>4</sup> How to take a stand against discrimination in academia? <https://www.romaniacurata.ro/publicatii/ghid-pentru-promovarea-egalitatii-si-combaterea-discriminarii-in-universitati/>

- 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>5</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 and harassment.
- (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 DISCRIMINATION OR HARASSMENT**

### **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

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<sup>5</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)

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>6</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.

(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 the Babeş-Bolyai University Ombuds, 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

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<sup>6</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.

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 or harassment 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 the protection of the members of the university community, the confidentiality of the information, and further investigation of the reported grievances.

(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 or harassment and the subject of the complaint must prove that no violation of the principle of equal treatment has occurred. The intent to harm by actions or conduct of bullying in the workplace does not have to be proven. 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 or harassment 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, respectively any adverse treatment in response to a complaint, a grievance or legal action related to a violation of legal rights or the principle of equal treatment and non-discrimination.

(2) Babeş-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 handled and sanctioned 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.**

(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, pursuant to Higher Education Law no. 199/2023, including actions or behaviour which, under the present Guide, national legislation or European regulations, may be construed as discrimination or harassment.

(2) The action that may constitute a discriminatory action or conduct will be investigated and sanctioned as provided for by Law 199/2023 and by the Code of Ethics and Academic Conduct at Babeş-Bolyai University.

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

#### **Art. 21.**

##### *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 submitted to the Council 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, the identity of the witnesses who were present and other proof; the identity of the party accused of discrimination (address,

telephone number, if any, etc.), in order to reach them for a hearing by the CNCD panel or for further investigation, the signature of the complainant.

(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.

(6) Discrimination of any kind, according to the criteria set out in art. 2 para. (1) of Government Ordinance no. 137/2000, republished, as amended and supplemented, observed at the level of all the technical, administrative, academic, decision-making and executive processes, amounts to disciplinary misconduct or the violation of the rules of ethics and professional conduct of higher education institutions and entails civil, tort or criminal liability, as applicable, under the law.

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

#### **Art. 22.**

##### *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, lawyers, 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. 23.**

##### *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. 24.**

#### *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. 25.**

*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. All individuals are bound by an obligation of confidentiality in relation to any act or conduct of discrimination or harassment, the procedure conducted and the matters under discussion in the complaints committee and shall not disclose any information that could lead to the identification of the complainant or the alleged offender.

(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 materials must include the following non-discrimination disclaimer: *"Babeş-Bolyai University is an institution that promotes equal opportunities and opposes discrimination."*

## ADDENDA

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

**Addendum 2.** The *Guide on Preventing and Combating Gender-Based Harassment and Workplace Bullying* is an integral part to this Guide.

**Addendum 3.** The *Code of Conduct for the Prevention and Sanctioning of Xenophobia, Radicalisation and Hate Speech* is an integral part to this Guide.

## **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 members of the university community, interns, volunteers or third parties associated to Babeş-Bolyai University are subject to this policy and must comply with it.

(b) The policy holds members of the university community, interns, 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.

**GUIDE ON PREVENTING AND COMBATING GENDER-BASED HARASSMENT  
AND WORKPLACE BULLYING**

**Art. 1.**

(1) These guidelines implement the Methodology on preventing and combating gender-based harassment and workplace bullying, approved by Government Decision no. 970 of 12 October 2023, and are complemented by the Guidelines for Combating Discrimination and the Guide for Gender Equality, adopted at UBB, which define the applicable legal framework.

(2) These guidelines have been adopted in order to ensure equal opportunities and equal treatment in employment, to expressly acknowledge the right of every citizen to an optimal working environment founded on equal respect for the dignity of the human being, devoid of violence and harassment, and to encourage and maintain a work culture based on mutual respect and dignity and a climate in which trust, empathy, understanding and professionalism prevail.

(3) By adopting and implementing the provisions of these guidelines, the university undertakes to maintain a safe environment for all employees, with no discrimination (in a broad sense, including harassment) based on race, nationality, ethnicity, language, religion, social class, beliefs, gender, sexual orientation, age, disability, chronic non-contagious disease, AIDS infection, belonging to a disadvantaged group or based on any other criterion which seeks to restrict or has the effect of depriving people of their human rights and fundamental freedoms or rights recognized by law, in the political, economic, social,

cultural or any other field of public life, or to prevent the recognition, use or equal exercise of human rights and freedoms granted by law.

**Art. 2.**

(1) Equal opportunities and equal treatment between women and men is fundamental and any kind of manifestation of power relations between men and women is strictly banned as a violation of human dignity and as a source of intimidating, hostile, degrading, humiliating or offensive environment.

(2) Babeş-Bolyai University has a zero-tolerance policy for gender-based harassment, workplace bullying and psychological violence (as defined by Law No. 199/2023), and shall address all incidents in a serious, prompt and confidential manner and investigate all reports of harassment. Throughout the investigation of grievances, all persons involved will be heard and treated with respect and consideration, and personal identification will be safe-guarded to protect employees.

(3) Bullying and sexual harassment are against the principle of equal treatment and amount to discrimination. These forms of discrimination occur not only in the workplace, but also in the context of ensuring access to employment, professional training and advancement, and access to education and learning. Against this background, action is needed to combat all forms of discrimination related to access to employment, professional training and advancement, and access to education and learning, consistent with national law and good practice.

(4) Any person who is found to have harassed another person shall be subject to disciplinary sanctions, which may include dismissal from employment. The enforcement of any disciplinary sanction will be carried out in compliance with the provisions of Law no. 53/2003 - Labour Code, republished, as amended and supplemented, respectively in compliance with the provisions of the Framework Code of University Ethics and Professional Conduct.

**Art. 3.**

(1) A prima facie case of sexual or psychological harassment in the workplace may involve several distinct situations depending on the course of the harassment. The wronged person may lodge a complaint or grievance in any of these situations concerning the following:

(a) emerging differences of opinion, minor interpersonal conflicts which may be settled between the persons involved but which, if left unresolved, may degenerate;

(b) the gradual build-up of tension through systematic/repeated aggressive actions carried out by one person or a group of persons against another person;

(c) a marked state of tension calling for the intervention of representatives of the employer/manager with a view to mediating the conflict in order to prevent it from further escalating;

d) workplace stigma and/or social isolation, dismissal or pressure on the victim to resign from the workplace.

(2) The victim may file a complaint or a grievance with the University Ethics Committee, in written form, by hand or electronically, but signed by the injured party, in compliance with the protection of their identity data, in order to ensure their protection, or may formulate an oral complaint, following which a report will be drawn up. By way of exception, anonymous reports providing strong indications of harassment will be considered. In this case, the self-referral procedure of the Ethics Committee may become effective or the referral may be analysed by the University Ombuds.

(3) The procedural steps that any victim of gender-based harassment and bullying in the workplace may go through are:

(a) addressing the alleged harasser directly or, if a victim is unable to approach an alleged harasser directly, he/she may inform the alleged harasser's immediate supervisor of the objectionable and disturbing behaviour;

- (b) trying to settle the matter amicably;
- c) informing the Ethics Committee of any systematic/repetitive acts of sexual harassment, bullying, psychological harassment in the workplace and psychological violence as defined by Law no. 199/2023;
- d) referral to court.

**Art. 4.**

- (1) The provisions of these guidelines apply to all members of the University community.
- (2) Harassment may occur both between persons of the opposite sex and between persons of the same sex. In situations involving undesirable, inappropriate or offensive actions that violate the legal, ethical and professional conduct in the workplace, the steps set out in the Anti-Discrimination Guidelines will be taken.
- (3) Harassment is a manifestation of power relations and may also take the form of unequal relations in the workplace, for example, between management and employees, but not exclusively. Power relations may take many forms and may be expressed subtly, either horizontally (by an employee in a similar hierarchical position) or vertically (by a supervisor to a subordinate or by a subordinate to a supervisor).
- (4) Pursuant to Higher Education Law no. 199/2023, bullying - psychological violence - is the action or series of physical, verbal, relational and/or cyber actions, in a social context difficult to avoid, carried out deliberately, involving an imbalance of power, resulting in an attack on one's dignity or creating an intimidating, hostile, degrading, humiliating or offensive atmosphere, directed against a person or group of persons, and includes aspects of discrimination and social exclusion, which may be based on a person's race, nationality, ethnicity, religion, social category or disadvantaged group, or on belief, sex or sexual orientation, personal characteristics, conduct occurring in educational institutions and in all premises intended for education and professional training.

(5) Harassment of any kind is prohibited, both in and outside the workplace, when attending various events, business trips, training sessions or conferences, including in relation to beneficiaries of the institution.

**Art. 5.**

(1) Harassment is undesirable conduct, including sexual conduct, which causes a person to feel offended, humiliated or intimidated. This includes situations where a person is required to engage in any sexual activity as a condition of employment, promotion in the profession or to pass examinations, as well as situations that cause a hostile, intimidating or humiliating environment.

(2) Moral harassment in the workplace means any behaviour towards an employee by another employee who is their superior, by a subordinate and/or by a hierarchically comparable employee in relation to the work relationship aimed at or having the effect of adversely affecting working conditions by violating the employee's rights or dignity, by damaging the employee's physical or mental health or by prejudicing the employee's professional future, in any of the following forms: a) hostile or undesirable conduct; b) verbal comments; c) actions or gestures.

(3) Moral harassment in the workplace is also any behaviour which, by being systematic, is likely to harm the dignity, physical or mental integrity of an employee or group of employees, jeopardising their work or adversely affecting the work climate, including stress and physical burnout.

(4) Harassment involves several incidents and/or actions of a repetitive nature that amount to physical, verbal and non-verbal harassment. Any pattern of non-consensual conduct is not permitted.

**Examples of conduct or behaviour that constitute workplace harassment include, but are not limited to:**

1. Physical conduct: repeated, undesirable physical contact (inappropriate body touching), physical violence (including sexual assault), use of threats or rewards in connection with work or an educational path to solicit sexual favours.

2. Verbal conduct: Comments concerning the appearance, age, or private life of a member of the university community, sexual comments, sexual stories and jokes, sexual advances, repeated and undesirable social invitations for dating or physical intimacy, insults related to a person's gender or other characteristics, excessively familiar remarks, sending humiliating, degrading, sexually explicit messages by telephone, email or any other means of communication, if they are done systematically/repeatedly and if they are intended to, result in, or are likely to result in physical, psychological, sexual harm.

3. Non-verbal conduct: display of sexually suggestive or sexually explicit materials; sexually suggestive gestures, flirtatious whistles, leering, if done systematically/repeatedly.

4. Other examples of misbehaviour:

- manifestation or dissemination of offensive or indecent material;
- systematic/repeated innuendos, insults or obscene or sexist/racist/homophobic insinuations or comments;
- using offensive language when commenting about or mocking a person with a disability;
- making comments about a person's physical appearance or personality that are likely to cause embarrassment or distress;
- undesirable attention, such as spying, stalking, teasing, overly familiar behaviour or undesirable verbal or physical attention;
- making or sending persistent: unwelcome phone calls, text messages, emails, social network messages, faxes or letters that are sexually suggestive, hostile or invasive of a person's privacy;

- unjustified, unwelcome or persistent questions about a person's age, marital status, personal life, interests or sexual orientation or similar questions about a person's racial or ethnic origin, including a person's culture or religion;
- unwanted sexual advances, repeated solicitations or threats;
- hints that sexual favours may get a person promoted or an exam, or that if a person does not grant them, then their career would be affected;
- jokes, sexually suggestive jokes that make a person feel uncomfortable;
- persistent approaching on various social networks and the persistent use of obscene content or sexual remarks during online conversations;
- picking up phone numbers from shared communication groups and harassing with messages afterwards (WhatsApp, Facebook, etc.);
- personal attacks or hindering the victim's possibility to speak out (the person is interrupted, attempts are made to intimidate him/her, he/she is threatened, treated as an object rather than the subject of a discussion, the aggressor addresses him/her in a negative, oppressive manner, etc.)
- being belittled in front of colleagues and having their reputation tarnished (bad jokes are made, rumours are spread, attempts are made to humiliate them, etc.); systematic isolation from other employees (exclusion from team meetings, formal or informal team meetings, unjustified relocation of the office, place of work, etc.)
- professional slander in public or in private (not being publicly or privately credited for one's professional achievements, attacks on one's dignity, integrity, credibility and competence, being portrayed by the perpetrator as deserving of this kind of behaviour, etc.)

5. Examples of legitimate attitudes in the relationship with the employee that are the prerogative of the employer and do not constitute harassment:

- directly supervises employees, including setting performance objectives and providing feedback on job performance;

- takes steps to correct shortcomings in performance, such as having an employee placed on a performance improvement plan;
- takes disciplinary action within legal requirements;
- gives instructions related to duties, how and when work should be done;
- requests updates or reports;
- approves or denies requests for time off.

**Art. 6.**

(1) The anti-discrimination guidelines contain all the necessary instruments to ensure that all situations of misconduct are reported and addressed, without relying solely on formal or informal complaints by employees; (2) At Babeş-Bolyai University, any allegations of harassment will be investigated with the utmost seriousness and reported in accordance with the applicable legal regulations. Employees will be heard in the situations they expose, without coercion of any kind in order to reveal the facts, and the reported facts are confidential and carefully scrutinized.

(3) All employees who are found guilty of confirmed cases of harassment are sanctioned in accordance with the legal provisions.

(4) The Ethics Committee of Babeş-Bolyai University will establish a record of cases, where complaints/reports of harassment will be filed. The record will include the registration number, the level of harassment, the remedies proposed.

**Art. 7.**

(1) The University Ethics Committee is authorised to investigate all cases of harassment.

(2) The Committee has the following duties:

1. informs any member of the university community about the policies and legislation in force;
2. provides support and counselling for members of the university community who have experienced a harassment incident, with the situations reported being confidential and

handled with due care. In this case, it is recommended to refer the matter to the University Ombuds;

3. resolves formal grievances filed by members of the university community in relation to situations of misconduct; informal complaints will be referred to the university Ombuds;

4. reports all instances of harassment brought to their attention to the university manager/employer through an annual report;

5. cooperates with members of the university community in all situations where they are asked to provide information relevant to the investigation of a harassment case.

**Art. 8.**

(1) The informal procedure means allowing the victim to inform the alleged harasser that they perceive their behaviour as unwelcome and disturbing, if feasible. Harassment may occur in unequal relationships, i.e. between a person in a managerial and an executive position or between a teacher and a student. There may also be situations where the victim may not be able to inform the alleged harasser that he or she perceives the behaviour in question as unwanted and disturbing, for example, the alleged harasser may be the person designated to deal with cases of harassment or the victim's superior.

(2) As a rule, if a victim is unable to approach an alleged harasser directly, he/she will approach the hierarchical superior of the alleged harasser, reporting the unwanted and disturbing behaviour. She/he may also report the issues to another management representative, employer, employee representative or union representative, who will direct the victim towards the relevant support mechanisms and services available at Babeş-Bolyai University. In this context, these persons will make sure that the victim is duly informed so that the option for an informal settlement does not exclude the possibility that the victim may also want a formal resolution, should the harassment continue.

**Art. 9.**

(1) Under the formal procedure, the University Ethics Committee dealing with a complaint/allegation of harassment shall:

1. file the complaint/ grievance and relevant information in a register;
2. ensure that the victim understands the procedures for handling the complaint/ grievance;
3. keep a confidential record of all discussions;
4. respect the victim's choices;
5. make sure that the victim is aware that they can also lodge a complaint/ grievance with other institutions that can address harassment.

(2) Throughout the procedure of handling the complaint/ grievance, the victim is entitled to counselling support from a counsellor within the institution.

(3) The victim may be accompanied by a trade union representative or an employee representative during the handling of the complaint. The Committee informs the victim of the option of seeking legal or psychological assistance.

**Art. 10.**

The formal procedure involves the following stages:

(1) Submission of the complaint/ grievance, which can be made by the aggrieved person in written form (handwritten or in electronic format, signed by the victim, with due regard for the protection of their identity details, in order to ensure their protection) or verbal (discussion with a member of the Ethics Committee), resulting in a written report, with the consent of the aggrieved person or other persons responsible, who will guide the victim towards the support mechanisms and services available at Babeş-Bolyai University.

(2) Drafting the case report, which will include:

- Details provided in the complaint - all relevant information provided in the complaint: dates, times and facts related to the incident(s);

- Data derived from the process of guiding and counselling the victim - the Committee referred to shall: a) inform the victim of the possible remedies and consider the victim's requests and clarify the victim's options as to the outcome sought and make a record of the resulting decision; b) refer the victim for psychological, legal counselling and make a record of the action recommended and accepted; c) ensure that a confidential record is kept of the course of the investigation;

- Data resulting from the hearing and counselling process of the alleged offender - The investigating Committee must: a) provide the alleged offender with a chance to respond to the complaint; b) ensure that the alleged offender understands the complaints mechanism; c) inform the alleged perpetrator of the institution's policy on bullying, sexual harassment, psychological violence, as well as of the relevant national legislation; d) inform the alleged perpetrator of potential sanctions; e) facilitate, where appropriate and only with the prior consent of the victim, discussions between the two parties; f) ensure that a confidential record is kept of the investigation.

The complaint/ grievance shall be dealt with in accordance with the procedure adopted by the Ethics Committee.

(3) Carrying out the investigation. The Committee will:

- a) interview the victim and the alleged offender separately;
- b) interview other relevant third parties separately;
- c) prepare a report of the investigation, to include the complaint, the investigations, the findings and the action taken;
- d) if the facts did occur, to recommend possible ways of handling the complaint, giving consideration to the best solution for the victim, in consultation with the victim; e) if it cannot determine whether or not the facts occurred, to make recommendations to ensure that the working environment is not affected, i.e.: outreach, raising awareness, support groups;
- f) keep a record of all actions taken;

g) make sure that all recorded material in relation to the investigated case is kept confidential;

h) make sure that the complaint/ grievance handling process is completed at the latest within 45 working days from the date the complaint/ grievance was made.

(4) The resolution of the complaint/ grievance is the final stage of the procedure, during which the committee draws up a final report detailing its investigations, findings and the action taken or recommended, as applicable, and submits it to the management of the institution/employer.

**Art. 11.**

(1) A member of the university community subjected to harassment may also file a complaint to other relevant institutions that deal with harassment. These complaints may be lodged in compliance with the provisions of Law no. 202/2002, republished, as amended and supplemented, to: the Territorial Labour Inspectorate; the National Council for Combating Discrimination; the courts of law, respectively the criminal prosecution authorities if the harassment is so severe that it falls within the categories provided for by the Criminal Code.

(2) Any person found guilty of harassment following the conclusion of the complaint/referral procedure may be subject to the sanctions provided for by the Labour Code (disciplinary sanctions); by the Criminal Code (criminal sanctions, if the offence amounts to a crime); by Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination (contravention liability) and by the University Framework Code of Ethics and Professional Conduct. The courts may also order the offender guilty of moral or sexual harassment or discrimination to pay compensation for the damage caused to the victim.

(3) The nature of the sanctions will vary according to the degree and nature of the harassment. Penalties will be commensurate to ensure that incidents of harassment are not treated as normal/tolerable conduct.

(4) Heads of directorates, services, departments and those responsible for handling cases of harassment will monitor and report to the management of the institution on how the provisions of this guide have been complied with by the end of the first quarter of each year for the previous year, including the number of reported cases and how they were handled, and the recommendations made.

**CODE OF CONDUCT FOR PREVENTING AND SANCTIONING XENOPHOBIA,  
RADICALISATION AND HATE SPEECH**

**Preamble**

The University agrees that xenophobia, radicalisation and hate speech are direct violations of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles on which the European Union is founded.

By adopting and implementing the provisions of this Code of Conduct, the University undertakes to provide a safe environment for all employees, free from prejudice, intolerance and discrimination, and to take measures to prevent and combat xenophobia, radicalisation and hate speech.

The University urges the members of the university community to create and maintain an ethical climate conducive to the development of harmonious, rational and well-balanced relationships, which guarantee the expression of personal identity in a spirit of collegiality and mutual respect. Members of the university community who witness or are confronted with acts associated with antisemitism, xenophobia, radicalisation and hate speech are encouraged to report them and to seek assistance from the ethics committee of the higher education institution.

**Art. 1.**

The following are forbidden on university premises:

- (a) promoting fascist, legionary, racist or xenophobic identity symbols, images, and practices;

- b) promoting persons guilty of genocide against humanity and war crimes;
- c) advocacy of ideas, symbols or doctrines that support and propagate totalitarian, antisemitic, extremist, fascist, irredentist, racist, chauvinist or xenophobic regimes, which are known to violate fundamental human rights and freedoms, excluding the situation when they are presented in a course/ study material;
- d) activities by members of the university community entailing radicalisation and promotion of hate speech.

**Art. 2.**

- (1) Any person may refer to the University Ethics Committee of the higher education institution any matter covered by Article 1.
- (2) The University Ethics Committee shall investigate on its own initiative if one or more of the offences referred to in Article 1 are found to have been committed at the higher education institution.
- (3) The University Ethics Committee is bound to investigate and address any complaint alleging an offence referred to in art. 1 or, should the matter fall outside its competence, to refer the matter to the competent state bodies, according to the legal provisions.
- (4) The person accused is presumed innocent during the investigation of the complaint/self-referral.

**Art. 3.**

The present code does not affect the diversity of scientific views and critical thinking within the academic environment.

**Art. 4.**

This Code incorporates the *Code of Conduct for preventing and sanctioning xenophobia, radicalisation and hate speech*, approved by the Minister of Education Order No. 4043/2024 of

22 March 2024, published in the Official Gazette of Romania No. 359 of 17 April 2024, and is duly supplemented by the Guide for Combating Discrimination and the Guide for Gender Equality, adopted at UBB, which set out the applicable legal framework. The measures provided for in Article 12 of the *Guide to Combating Discrimination* will be duly enforced.