

# **THE LAW ON ACADEMIC INTEGRITY**

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## **I BASIC PROVISIONS**

### **Scope of the Law**

#### **Article 1**

This Law, in order to preserve and improve the quality of higher education, regulates the principles of academic integrity with regards to teachers, teaching assistants and students, as well as other individuals holding higher education degrees, and defines the various forms of violation of academic integrity and the procedure for protecting academic integrity.

### **Academic integrity**

#### **Article 2**

Academic integrity is defined as academic behaviour that ensures the preservation of academic honesty, the dignity of the profession, the quality of work and the results of work, enshrining the spirit of equal cooperation between all participants in the academic process, with a focus on the truth as a fundamental value and respect for legal regulations as the basis for the responsibility of members of the academic community. In short, it refers to any and all behaviour that is in accordance with the principles of academic integrity.

The academic community consists of academic staff as determined by the relevant special law and students.

### **Principles of academic integrity**

#### **Article 3**

Academic integrity is based on the principles of honesty, objectivity, openness, freedom in teaching and research, and responsibility towards both the academic community and society as a whole.

### **The Principle of Honesty**

#### **Article 4**

Academic honesty is based on independence in scientific, educational and professional work, as well as respect for other people's work and the works they produce.

### **The Principle of Objectivity**

#### **Article 5**

Members of the academic community must not allow prejudice or bias of any kind to affect their objectivity in their academic, research, administrative, business and management activities.

## **The Principle of Openness**

### **Article 6**

The research results of members of the academic community should be available to the public and to scientific and academic networks.

## **The Principle of Freedom in Teaching and Research**

### **Article 7**

All institutions of higher education (hereinafter: institutions) should protect all members of the academic community from any attempt to limit or deny the exercise of freedom in their educational or scientific research work.

## **The Principle of Responsibility**

### **Article 8**

The responsibility of institutions is reflected in the respect of quality norms, ethical norms and the promotion of excellence, as well as their openness to a critical view of their overall activity on the part of society.

## **The Code of Ethics**

### **Article 9**

The academic community should adhere to the Code of Ethics.

The Code of Ethics is adopted by all institutions, in accordance with the relevant regulations governing higher education and the creation of a Charter of Ethics.

## **II VIOLATIONS OF ACADEMIC INTEGRITY**

### **Plagiarism**

#### **Article 10**

Plagiarism is taking another author's work or a part of that author's work, or using the essential scientific knowledge, or parts thereof, or the hypotheses, theories, methods, or data obtained through scientific research of another author without identifying the author of the work, or else engaging in any other similar activity while presenting it as authentically one's own work, for the purpose of obtaining personal benefit.

Works (be those professional, scientific or artistic) that the relevant competent authority determine to be the result of plagiarism are considered null and void, alongside the grades, awards, academic positions and titles that a person has obtained on the basis of such plagiarized work.

The institutions are obliged to declare null and void all grades, awards, academic positions and titles that the person described in Paragraphs 1 and 2 of this Article has acquired at that institution, on the basis of such plagiarized work.

## **Forms of plagiarism**

### **Article 11**

The various forms of plagiarism are: direct plagiarism, autoplagerism and paraphrasing without references.

Direct plagiarism is the copying of part of the text or the entire text, method, idea, algorithm, image, or graph from another author, without providing a clear citation in quotation marks, beyond the percentage of text prescribed by a Special Act of the institution as the one at which the verification procedure before the Ethics Committee is initiated.

Autoplagerism is the copying of one's own text in parts or completely without citing the original source, thus presenting it as a completely new work.

Paraphrasing without references is taking over the overall meaning or individual ideas of someone else's text without citing the original source.

## **Other forms of the Violation of Academic Integrity**

### **Article 12**

Other forms of the violation of academic integrity include: the fabrication of scientific research, the falsification of scientific research, gifted authorship and quoting out of context.

The fabrication of scientific research is the fabrication of data and the results of scientific research and their publication.

The falsification of scientific research is the changing and modifying of data and the results of scientific research and their publication.

Gifted authorship includes the purchase of papers (whether seminar papers, Master's theses, Doctoral dissertations, or other forms of scientific papers and works of literature), and the writing of papers in the name of another and for his or her account in whole or in part.

Quoting out of context involves copying or paraphrasing a text with the author's name, but in a different context.

## **The Ethics Committee**

### **Article 13**

The work of the preservation, improvement, protection and promotion of academic integrity and the prevention of all forms of violation of academic integrity is carried out by the Ethics Committee.

The Ethics Committee is appointed and dismissed by the government of Montenegro, holding their positions for a period of four years at the proposal of the state administration body responsible for education affairs.

A public call for members of the Ethics Committee is published by the state administration body referred to in Paragraph 2 of this Article.

The Ethics Committee is comprised of seven members who are prominent experts in the field of higher education and scientific research from across various scientific disciplines.

The manner of work and decision-making of the Ethics Committee is determined by the relevant Rules of Procedure.

## **The Duties and Responsibilities of the Ethics Committee**

### **Article 14**

The Ethics Committee:

1. Adopts and monitors the application of the Charter of Ethics;
2. Promotes the principles of academic integrity;
3. Decides on all proposals to determine a violation of academic integrity on the part of citizens of Montenegro whose work has been published, or where the qualification was obtained outside of Montenegro;
4. Gives an opinion on regulations and initiatives concerning academic ethics;
5. Submits an annual report on its work to the government of Montenegro;
6. Performs other tasks in accordance with this Law.

## **The Charter of Ethics**

### **Article 15**

The Charter of Ethics is a set of rules, principles and guidelines that promote human, intellectual and academic freedom, as well as the responsible exercise of all rights in scientific, teaching, artistic and professional work.

## **The Ethics Committee**

### **Article 16**

The institution shall have an Ethics Committee that is independent in its work.

The Ethics Committee can educate commissions and other working bodies in the process of determining potential violations of academic integrity.

The number, composition, mandate, jurisdiction, and method of work and decision-making of the Ethics Committee are regulated by the relevant Act of the institution.

## **The Decision Making of the Ethics Committee**

### **Article 17**

Violations of academic integrity are decided upon by the Ethics Committee.

Anyone can submit a request to investigate a potential violation of academic integrity on the part of a natural or legal person.

The request mentioned in Paragraph 2 of this Article, with an explanation, is submitted to the Ethics Committee of the institution where the scientific or research paper was defended, where the qualification was obtained, or where any other form of violation of academic integrity was allegedly committed.

The Ethics Committee then forms a Commission of three members from the same or related scientific field, depending on the content of the request mentioned in Paragraph 2 of this Article.

The Commission referred to in Paragraph 4 of this Article prepares a report on the request and makes a recommendation, which the Ethics Committee submits to the natural or legal person against whom the proceedings have been initiated.

The deadline for a response to the alleged violation and the report on the part of the person against whom the proceedings have been initiated is 30 days.

If the person does not respond within the time limit referred to in Paragraph 6 of this Article, the Ethics Committee makes a decision.

Based on the report and the commission's recommendation from Paragraph 4 of this Article, the Ethics Committee is obliged to make a decision within six months from the date of submission of the request to investigate the potential violation of academic integrity.

### **Decision-making based on complaints against decisions made by the Ethics Committee**

#### **Article 18**

A complaint against a decision made by the Ethics Committee can be submitted to the professional body of the Institution within 15 days from the date of delivery of the decision.

The expert body of the institution is then obliged to decide on the complaint against the decision within 60 days of the day of submission of the complaint.

In addition, an administrative dispute can be initiated against the decision made by the expert body.

### **The means of determining violations of academic integrity**

#### **Article 19**

The criteria and method of determining a violation of academic integrity, the implementation of the relevant procedures and the percentage of identical material in the sense provided in Article 11 of this Law are determined by a Special Act of the Institution.

## **Decisions made by the Ethics Committee**

### **Article 20**

A request to determine a potential violation of academic integrity for citizens of Montenegro whose work has been published, or else in relation to a qualification obtained outside of Montenegro, can be submitted by any natural or legal person to the Ethics Committee.

The Ethics Committee is obliged to make a decision within six months of the date of submission of the request to determine the potential violation of academic integrity.

An administrative dispute can be initiated against the decision of the Ethics Committee.

### **Article 21**

In cases of violations of the principles of academic integrity that do not constitute violations of academic integrity in the sense of Articles 10, 11 and 12 of this Law, decisions are made by the Ethics Committee in accordance with the relevant Act of the respective Institution

## **Statements of Ethics**

### **Article 22**

Scientific researchers, including professors and teaching associates, as well as all students of Master's and Doctoral studies, are required, when submitting a thesis for defense, to sign a Statement of Ethics confirming under both criminal and material liability that the thesis is comprised of their own original work.

Upon election to an academic position at the Institution, each candidate signs a Declaration of Ethical Behaviour in Teaching and Research.

## **Verifying the authenticity of a paper or other work**

### **Article 23**

Undergraduate theses are subject to a verification procedure in accordance with the relevant rules of the Institution.

Masters theses and Doctoral theses are subject to a mandatory verification of authenticity by the Institution.

The candidate is responsible for any identified plagiarism, as well as any fabrication or falsification of scientific research that is discovered.

The mentor monitors the preparation of the candidate's work, respecting the principles of academic integrity in accordance with the Institution's rules.

The method of verifying the authenticity of the Masters Thesis and Doctoral thesis is determined by the relevant Act of the Institution.

## **Cheating by students**

### **Article 24**

Copying, using illegal means, using literature and external material during exams or other forms of knowledge testing, passing copies of exam papers or other knowledge tests to others, as well as other forms of student cheating in exams and other forms of knowledge testing are all considered a violation of the principle of academic integrity.

The forms of violations of academic integrity by students, the procedures for determining violations and the sanctions for those violations are prescribed by the Institution.

## **Measures of redress in cases of the violation of academic integrity**

### **Article 25**

Violations of academic integrity are subject to measures of redress in accordance with this Law and the general legal acts of the Institution.

## **III TRANSITIONAL AND FINAL PROVISIONS**

### **The deadline for appointing the Ethics Committee**

#### **Article 26**

The Ethics Committee, in accordance with this Law, will be appointed within 90 days from the date of entry into force of this Law.

### **The harmonization of the Acts of the Institutions**

#### **Article 27**

All institutions are obliged to harmonize their organization, work and Acts with this Law within six months from the date of entry into force of this Law.

Until the adoption of the Acts referred to in Paragraph 1 of this Article, the existing General Acts of the Institution shall be applied, if they do not contradict this Law.

### **Proceedings that have already been initiated**

#### **Article 28**

All procedures for determining a potential violation of academic integrity, which were started before the date of entry into force of this Law, will be concluded according to the regulations under which they were begun.

### **The establishment of the Ethics Committee**

#### **Article 29**

Each Institution is obliged to establish an Ethics Committee in accordance with this Law within six months from the date of entry into force of this Law.

On the day of the establishment of the Ethics Committee, the previous bodies at the institutions that decided on violations of academic integrity will cease to operate.

## **Termination of previous laws**

### **Article 30**

Article 78 of the Law on Higher Education ("Official Gazette of Montenegro", no. 44/14, 47/15, 40/16, 42/17 and 71/17) ceases to apply on the day this Law enters into force.

## **Entry into Force**

### **Article 31**

This law enters into force on the eighth day from the day of its publication in the Official Gazette of Montenegro.