

CODE OF ETHICS

Preamble

1. This Code of Ethics shall regulate the moral and professional principles which shall be adhered to by all academic and other staff and students, with the aim of preserving and improving the dignity and reputation of the University of Montenegro, according to its mission, as well as in the procedure for cases of the violation of these principles.
2. The Code of Ethics shall represent a common system of values, and the dominant model of professional behaviour for academic and other staff.
3. The Code of Ethics shall particularly promote the principles of honour in science.
4. This Code of Ethics shall not limit personal or academic freedom, yet it shall emphasise civilized relations among all members of the University community and the responsible exercise of rights and obligations in scientific research and teaching work.
5. By accepting these ethical principles, academic and other staff shall consistently follow them, always and only in the interests of the University of Montenegro (hereinafter: the University), its reputation and dignity, as well as of the students and all other people with whom they engage.
6. Members of academic staff shall agree that their ethical behaviour is an integral part of the academic profession.
7. The University community shall sustain cultural, social, political, philosophical, religious and economic diversity, which represents a significant asset that should be cultivated.
8. The University tradition is founded on the results achieved by scientific impartiality and moral authenticity and contributes to the entire mission, both within the academic community and society as a whole.
9. Each member of the academic and other staff shall be supported by the University if he/she finds him/herself in difficulties because of following their ethical principles.
10. Ethical principles shall impose a responsibility to engage in public discourse and action, and thus only in that way can the necessary level of trust and tolerance be established.

PART ONE

MORAL AND PROFESSIONAL PRINCIPLES

Professional responsibility

Article 1

1. Freedom of research and teaching are primary values of University life.
2. Academic staff shall encourage excellence achievement as a mutual good of the University and the social community in whole.
3. Members of the University community are guaranteed equal conditions in exercising their professional rights and obligations, expressing intellectual abilities and promotion.

4. Members of the University community should be guided by the principles of freedom of scientific and artistic creation in the spirit of the responsible, impartial and fair pursuit of the truth, and also of knowledge acquisition and transfer.
5. Any kind of action (lobbying, authority abuse and similar) for the purposes of creating a privileged position of individuals or a group that is damaging to professional criteria shall be unacceptable.
6. The following situations or behaviour within the University community in teaching and professional work, are unacceptable: corruption, discrimination, disturbance, interest conflict, disloyalty, irresponsibility and so on.
7. Members of the University community are entitled and obliged to report serious cases of academic dishonesty on the part of their colleagues.
8. Academic and other staff in their work, action and behaviour shall follow ethical principles, the principles of truth in science and criticism and protect the reputation of the University.
9. Academic staff shall act in harmonisation with principles of academic freedom, ethical and intellectual responsibility and nourish the values of different opinions, critical thought and personal initiative.
10. Professional freedom, curiosity in science and a spirit of research shall not be an excuse for the violation of the basic human rights and dignity of colleagues or other citizens.
11. Professional freedom shall inherently oblige academic citizens to improve their knowledge and competences, develop and encourage critical thinking, promote academic freedom in thought and action, to use, spread and transfer knowledge in a fair manner and express intellectual honesty in every possible way.
12. Research and teaching activities at the University shall be morally and intellectually independent of any political authority or economic power.
13. Academic staff are particularly obliged to promote conditions encouraging a spirit of freedom and to continue to spread the concept of academic freedom among the public.
14. Academic staff shall protect the freedom of scientific research and teaching work and defend the honour of the profession and shall not abuse their authority so as to achieve personal or political interests.
15. Academic staff shall achieve and improve standards of quality, especially in developing teaching programmes, institutional cooperation, mobility programmes and integrated Study programmes, training and research.
16. Academic staff shall promote humanist principles and human rights, develop intellectual skills, support the development of tolerance and openness and spark professional curiosity. The public interest shall not be jeopardised or compromised by the personal interests of an individual.
17. When a member of academic staff estimates that he/she is required to act opposite to their ethical principles or personal, scientific or intellectual beliefs or conscience, he/she shall initiate a discussion on the issue. If the discussion shows that his/her estimations were justified, or if it ends without a clear conclusion, or if, through no fault of their own, the discussion does not take place, the University shall support the right of its member to act based on their conscience
18. Academic staff are free to develop original methods of research and their own teaching style.

Responsibility towards Students and Responsibilities of Students

Article 2

1. Students are entitled to enjoy complete human and intellectual freedom.
2. The greatest responsibility of academic staff is to contribute to the intellectual growth and knowledge acquirement of students.
3. Academic staff shall achieve and transfer the highest levels of scientific knowledge to students.
4. Academic staff shall respect the educational goals, strategies and standards of the University community in the interest of the growth of students.
5. Academic and other staff shall respect the dignity of students.
6. Students shall respect the dignity of academic and other staff. Students shall relate to academic staff as expected, with respect and in accordance with the values of the academic community.
7. Students shall respect the rights, obligations and academic integrity of other students. Any intrusion into the undisturbed participation of students in any form of teaching process is not allowed. Encouraging or assisting other/s students in active or passive in compliance with the provisions of this Code of Ethics, as well participation in actions that are contrary to this code, are not allowed.
8. Students with disabilities have special protection.
9. Students are obliged to meet their obligations in a fair and ethical way, to remember that their primary goal is academic excellence, and to behave in a civilised way, with respect and without prejudice.
10. Any form of discrimination against students is prohibited, on the basis of: race, skin colour, nationality, social or ethnical origin, connection to an minority or national community, language, religion or belief, political or other conviction, gender, gender identity, sexual orientation, health situation, disability, age, level of income, marital or family status, group affiliation or potential group affiliation, political party or other organisation, as well as any other personal traits.
11. Students shall not suffer negative consequences for revealing cases of discrimination, making statements in front of the authorised unit or body of the University or giving evidence where cases of discrimination are investigated.
12. Student agreement to the discrimination does not release from responsibility any member of academic or other staff making the discrimination, giving instructions or encouraging discrimination.
13. Academic staff shall persistently confront interventions in terms of exams. The only criteria for grading students are: knowledge, understanding and the effort made.
14. Academic staff shall provide impartial, reliable and equal systems of testing and grading students.
15. Any form of cheating or the usage of any forbidden assistance while testing is prohibited.
16. Academic staff shall not encourage and tolerate copying, nor shall the use of other forms of deception and cheating students while testing be accepted.
17. Academic staff shall not condition obligations being met by students or the passing of test by buying certain literature or other teaching aids, by sexual offers of blackmail, or by material and other extortion.

18. Members of academic and other staff shall respect confidential information obtained as such by students.
19. Academic staff shall not directly or indirectly use, abuse, blackmail or discriminate against students, nor treat them inappropriately or in any other way offending their dignity.
20. Members of academic staff shall not prevent students from undertaking independent research in pursuit of knowledge, nor shall they limit access to different perspectives.
21. Members of academic staff shall make reasonable effort to protect students from circumstances hazardous to their learning, health and security.
22. As members of the University community, students shall respect good academic practices, particularly in terms of attire and dress.
23. It is prohibited to consume tobacco products in the facilities of the University, as well as the sale and consumption of alcoholic and other intoxicants (in either closed spaces or open fenced space).
24. It is not allowed to behave inappropriately in the University environment or to jeopardise the appearance of that environment.

Responsibility towards Colleagues

Article 3

1. Members of academic staff shall encourage collegial relations based on mutual consideration, a culture of communication, respect of human dignity and understanding, taking care of mutual academic values.
2. In scientific papers, public actions and mutual relations, academic staff shall foster a culture of argumentative dialogue.
3. It is prohibited to show contempt to a colleague.
4. Non-academic rhetoric is prohibited.
5. It is not allowed to laud the papers of others, or restrain from criticism, for reasons of personal interests, nor to ignore someone else's papers out of professional and personal intolerance.
6. Older colleagues are morally obliged to assist younger colleagues in their scientific and educational work, with due respect towards their personal and intellectual autonomy.
7. Younger colleagues are morally obliged to express due respect towards older colleagues (younger to older hierarchically) in terms of their personal and professional integrity.
8. Any mentor relationship shall be based on mutual consideration and respect of the rights of intellectual property and other rights exercised during scientific work within that relationship, without abusing the authority of the mentor position.
9. Academic staff shall respect the personal and professional dignity of all employees at the University.
10. Academic staff shall respect and defend the creative freedom of their associates.
11. Every member of academic staff is morally obliged to report any unethical behaviour on the part of a colleague, or else any violation of the provisions of this Code of Ethics.
12. It is unacceptable to, as a condition for promotion, sign a report on title promotion besides determined criteria so as to remain friendly, not to do any counter favours, gain material or any other benefit.

13. It is prohibited to behave actively or passively at work or regarding work towards an employee or group of employees, repeatedly, with aim to undermine the dignity, reputation, or personal or professional integrity of an employee causing fear or creating hostile, humiliating or insulting surroundings, worsening working conditions or making employee isolate him/herself or revoke their labour contract or any other contract; in addition, it is prohibited to encourage or lead others to engage in such behaviour (a prohibition against bullying).

Responsibility towards the Institution

Article 4

1. Academic staff shall in public and by their actions promote humanist values, the reputation of their profession and the academic community and guide the personal and professional dignity of their colleagues.
2. Academic staff shall preserve the integrity and dignity of the academic Institution and work to his/her best knowledge, consciously, fairly, culturally and with dedication.
3. Even though they respect the rules of an institution, this does not limit the academic freedom of staff to criticise and change those rules.
4. In cases of engagement outside of the academic institution, the character and scope of the obligations of members of academic staff shall be in accord with the operation and interest of the Institution.
5. Academic staff shall, in cases of engagement outside of the University, implement this work in accordance with the regulations and decisions on conflict of interests and accord it with the interests of the mother - University community.
6. Protectionism, lobbying, blackmail and pressure, bribes and corruption and other forms of dishonourable influence on breaching professional criteria and standards in performing academic work represent the most serious violation of the rules of academic behaviour.
7. Members of the University community shall strongly reject any attempt at corruption.
8. Members of the academic community shall not require gifts, encourage the giving or receive of gifts, neither for themselves or another entity, when there is a justified assumption of directly or indirectly influencing their impartiality or the fulfilment of their working obligations.
9. It is not allowed to use the name and sign of the University for private activities in order to unjustifiably create an impression of University authority.
10. Inappropriate use of the assets of the University is unacceptable.
11. It is not allowed to promote party political opinions in teaching work.

Social Mission

Article 5

1. Members of the University community in their work and by their actions ought to take care of the good and interests of the University and the State of Montenegro in the spirit of academic freedom- fostering argumentative dispute, criticism, tolerance, as well as the responsible and fair pursuit of the best solutions.
2. The University shall promote academic freedoms, academic standards, good academic practices and rules of good academic practice for scientific work.
3. The core values which the University advocates are the following: honesty, academic freedom and responsibility, excellence, mutual consideration and human dignity, and the responsibility of the Institution and the University units.
4. Academic staff shall with its authority represent positive academic values and transfer them to the wider social community.
5. The extracurricular activities of academic staff shall not jeopardise the quality of teaching and scientific work.
6. Academic staff shall not encourage, accept or perform tasks contrary to their professional reputation or the academic community.
7. Members of the University community are entitled and obligated to constantly improve and perfect the quality of their own knowledge and professionalism.
8. The University shall encourage and promote transparency in regulations and actions as a core value.
9. Members of academic staff shall not perform public or political functions for professional benefits either for themselves or for someone else.
10. Members of academic staff shall not accept public functions at any level if it is in conflict with the principles of professional objectivity.
11. Members of academic staff shall not use means of mass communications for self-promotion.
12. When they come forward as private entities, members of academic staff shall not allow the appearance that they represent their colleagues or the academic Institution.
13. Members of academic staff shall not abuse their academic authority so to achieve personal, family or political interests.
14. All members of the University community are expected to respect the highest environmental norms.

Responsibility for Violation of Intellectual Property

Article 6

1. The University shall encourage the scientific and artistic creation of its members as a core value of the constitutional order of Montenegro.
2. The University is dedicated to the implementation of moral and other protection of intellectual property.
3. Members of the academic community shall express intellectual honesty and promote academic freedoms, freedom of spirit, academic standards and good academic practices.

4. Members of the university community shall respect the moral rights, property rights and other titular rights of intellectual property.
5. The University shall give moral support and protection to innovative work and to creators of progressive modern creative works.
6. Members of the academic community shall guarantee the authenticity of their published scientific papers and works of art, as well as the accuracy and honesty in showing and guiding information on the origin of ideas and quotes used in their papers.
7. Academic staff shall respect the integrity of authors and other creators of creative works and the integrity of those works.
8. It is allowed to literally quote other author's paper (citation) which has legally become available to the public, for the purposes of public research, teaching, criticism, dispute, review or overview where a justified purpose is to be achieved, in accordance with good practice, where both the source and author must be emphasised.
9. Public or scene performance of an author's work is allowed in the form of direct studying in lectures or in productions related to those lectures, to the degree justified by the educational goals to be achieved, if the author's work is not used for the purposes of achieving direct or indirect property or commercial benefit for the institution, the organiser or a third party, if the performers do not get remuneration for performing the author's work and if tickets are not issued and paid for.
10. For the needs of students with disability it is allowed to use author's papers in a way that is directly connected to the disability of these students and which by nature is non-commercial, to the extent needed by the related disability.
11. Any form of abuse of the right of intellectual property is unacceptable.
12. Members of the University community shall not distort or by similar actions change other author's papers and other creative works, nor shall they use them in a way that jeopardises the honour and reputation of the creator of the creative works.
13. The taking over of, or presenting as their own, of the research and results of someone else's work, so as to claim it as your own, is forbidden.
14. Plagiarism, lying about results and forgery shall be considered to be the most serious forms of academic and scientific dishonesty.
15. It is forbidden to copy an author's works and research without the quotation of the source authors and their works (this is plagiarism).
16. It is unacceptable to intentionally present, disseminate and publish alleged results of scientific and research work despite finding out that the indicated scientific paper and research are not being conducted in reality (this is making up-fabricating academic results).
17. Any action is unacceptable, being contrary to the principles of honesty in science, which is used to manipulate an object, equipment or process of research with the aim to intentionally setting and tendentiously interpreting the results of scientific research (this is adulteration - forgery).
18. It is unacceptable to include an author on papers out of deference or because of their influence over other papers, or from a position of subordination or other form of inappropriate relationship with another person or other motives.

Implementation

Article 7

1. Academic relations and the behaviour of academic and other personnel not being described by this Code of Ethics may be applied by the unwritten rules and principles of academic institutions, as well as universal standards of professional academic behaviour.
2. This Code of Ethics shall be interpreted and implemented so as to achieve these goals most efficiently and to affirm the values stated in the Preamble.
3. All expressions used in this Code of Ethics related to physical entities yet stated in male gender, are interpreted in a way encompassing people of female gender (members, students, teachers and so on).
4. In cases of an ethical dilemma, members of academic and other staff may communicate with the Court of Honour for an explanation.
5. The Court of Honour shall determine the responsibilities and impose measures for the violation of ethical principles.
6. The procedures prescribed by this Code of Ethics are not an alternative to civic, criminal, administrative and disciplinary procedures regulated by the Law and other General Acts.
7. The Court of Honour, in performing its function, shall be independent and shall act in accordance with this Code of Ethics.
8. This Code of Ethics shall be adequately implemented in cases of the most serious violations of moral principles made by students.

PART TWO

PROCEDURE FOR THE VIOLATION OF MORAL AND PROFESSIONAL PRINCIPLES

General provision

Article 8

Court of honour of the University of Montenegro shall determine responsibility and rule measures for violation of moral and professional principles determined by the Code of Ethics of the University of Montenegro.

Independence of the Court

Article 9

Court of Honour of the University of Montenegro (hereinafter: the Court) shall be independent in performing function and shall rule based on this Code of Ethics.

Mandate Duration

Article 10

The Court is elected for a period of three years except for the student representative, who is elected for a period of one year.

Measures imposed by the Court

Article 11

For a violation of the Code of Ethics the Court shall rule as follows:

- A Public warning,
- Public criticism which is published at a session of the University Senate,
- Public criticism which is published in the "Bulletin of the University of Montenegro".

Attitudes of the Court

Article 12

The Court may, at its own initiative or at the proposal of other members of the academic community, a Working Body or the Senate with regard to issues and matters of general importance being subject of the Code of Ethics, take an position or give opinions which are then delivered to the Senate of the University.

The Court aligns itself with best practice by taking principled positions.

The Public

Article 13

The work of the Court is public unless the Court decides that there are reasons for the exclusion of the public.

The Composition of the Court

Article 14

The Court is composed of nine members elected by the University Senate, except for one student representative, who is elected by the Student Parliament.

The President and Deputy President of the Court

Article 15

The Court has a President and Deputy President.

The President and Deputy are elected by the Court members from among their members.

The Competences of the President of the Court

Article 16

The President of the Court convenes the Court session, presides over the session and performs other duties determined by this Code of Ethics.

The President of the Court determines composition of first instance committee of three members and second instance committee of five members for each matter placed before the court.

The Deputy President has the rights and obligations of the Court President in his/her absence and provides assistance to the President.

Means of Decision-making

Article 17

The Court, or else the committee, makes decisions by a majority of votes out of total number of members of the Court or committee.

The Secretary of the Court

Article 18

The Court has a Secretary.

The tasks of the Secretary are performed, by decision of the Rector, by one of the employees of the Professional Service Department of the University.

The Secretary performs professional and administrative tasks for the needs of the Court, keeps records on implemented measures, provides necessary information to the parties and performs other duties at the order of the Court President.

The Initiation of Proceedings

Article 19

Proceedings before the Court are initiated by a proposal.

The proposal may be made by any adult person or legally recognised body or else any sector of that recognised body (hereinafter: the Proposer).

A proposal may be submitted against a member of the academic or other staff and students of the University (hereinafter: the Accused).

The Content of the Proposal

Article 20

The proposal should be comprised of: the title of the Court; the name, surname and address of the Accused; the time, place and means of violation of the Code of Ethics; facts by which the Proposer supports his/her allegations and the name, surname, address and signature of the Proposer.

Proposals which are unsigned will not be considered

Prior Consideration of the Proposal

Article 21

The proposal is to be initially considered by the President of the Court, examining its adequacy for the determination of ethical responsibility and endeavouring to identify the moral aspects of the act or condition as the subject of the proposal.

First Instance Proceedings

Article 22

The first instant proceeding is processed before a committee formed of a Chairperson and two other members of the Court.

Article 23

If the proposal is not understandable or does not contain everything needed so the procedure may be initiated accordingly, the President of the first instance committee shall inform the Proposer helping him\her to correct the proposal, or else to amend it, and for such purposes he may call him/her or return the submission to him/her for correction.

When the proposal is returned to the Proposer for correction or amendment, the deadline for proposal resubmission shall also be submitted.

The proposal shall be considered revoked if it is not returned to the Court within the prescribed deadline, while if it is returned without correction or else amendment, it shall be rejected.

The proposal shall not be considered lacking if its absence does not present an obstacle to achieving the goal defined by the proposal.

The Proposal Delivery

Article 24

The first instance commission of the Court shall deliver to the Accused the proposal leaving him/her a deadline to respond, which shall not be shorter than five days.

After the deadline expires, a discussion is scheduled which the Proposer, the Accused, witnesses and other interested parties are invited to attend.

Opening Discussion

Article 25

The discussion is opened by the President and he/she determines whether all the relevant parties have been invited and whether they have chosen to attend.

The discussion may also be held in the absence of the Accused, if he is provided with the proposition and if he/she has been invited in a regular manner.

The absence of the Proposer is also not a hindrance to the discussion, if he/she has been invited in a regular manner.

The Course of the Discussion

Article 26

The discussion starts with statements from the Proposer and the Accused, and after that the relevant facts are determined and an estimation is made as to whether any principle of the Code of Ethics has been violated, or else the degree of an agreed violation, following which adequate sanctions are determined.

The Proposer and the Accused shall be provided with the opportunity to express their opinion regarding the statements made by either party in the discussion.

The Chairperson of the Commission

Article 27

The discussion is led by the Chairperson of the commission.

The Chairperson of the commission ensures that all the facts are presented and all the circumstances are clarified which may be considered important for the decision of the commission.

The Chairperson decides who can speak, asks questions, requires explanations and announces decisions.

After the Chairperson finishes asking questions, members of the Commission may also ask questions if they wish to.

As a rule, the discussion is heard once.

The Conclusion of the Discussion

Article 28

After the finalisation of the evidence proceedings, the Chairperson of the commission calls for the Proposer and the Accused to make final statements and afterwards announces that the discussion is concluded.

The Decision of the Commission

Article 29

After concluding the discussion, the commission retires to make a decision.

If the commission finds that the Accused has not violated the Code of Ethics, he/she is free of the charges.

If the commission finds that the Accused has violated the Code of Ethics, it will determine the responsibility of the Accused and impose one of the measures determined by the Code of Ethics.

Content and Delivery of the Decision

Article 30

The decision shall be comprised of: an introduction, a statement, a justification and a recommended legal remedy.

The Commission shall, within a reasonable deadline, finalise the decision and deliver it to the Proposer and the Accused.

Second Instance Proceedings

Article 31

The Proposer or the Accused may make a complaint to the Court regarding the decision of commission with which they are not satisfied.

The complaint is to be submitted within eight days from the day when the decision was delivered by the commission.

The court submits the complaint to the second party in the proceeding who is entitled to respond within five days from the day of the receipt of the complaint.

Complaint Procedures

Article 32

The complaint is decided on by the second instance commission.

Every member of the second instance commission shall not be the same as those participating in the first instance decision-making.

Undue and prohibited complaints shall be rejected.

Groundless complaints shall be rejected.

Grounded complaints shall be accepted.

Complaint Dispute

Article 33

The second instance commission shall decide on the complaint, according to the Rules, without dispute.

When it estimates that for reasons of the clarification of facts and the regular determination of the true facts of the case, in the second instance procedure it is necessary to present all or some of the evidence previously presented before the first instance commission again, the second instance commission shall hold a hearing.

The regulations prescribed for the first instance proceeding shall be applied to the second instant proceeding accordingly.

Complaint Decisions

Article 34

If the second instance commission adopts the complaint, it abolishes the disputed decision in order to remove omissions in terms of facts or procedures in the repeated first instance procedure or it alters the disputed decision and based on the same factual situation it decides otherwise.

Implementation of the Rules of Litigation

Article 35

In terms of disputes, evidence, advocacy, keeping registers, making decisions and written material, the Rules of Litigation shall be implemented.

Passing the case to the Appropriate Authorities

Article 36

If the Court determines that there are conditions for for investigating the responsibility of others, it will pass those cases to the appropriate authorities.

Costs of Proceeding

Article 37

Proceedings in before the Court are free of charge, and each party shall pay their own costs.

Records of Imposed Measures

Article 38

The Court keeps records on measures that is has imposed.

Records include the name of the entity against whom the measure was imposed and the name of the Institution/Organisational unit where he/she is employed, or else the studies, type of violation of the Code of Ethics (pointing out whether a moral/professional principle is violated), imposed measure, or else the outcome of the proceeding and the date when the decision was made.

Initiated Proceedings

Article 39

If a first instance decision which finalised a first instance proceeding is made before this Code of Ethics comes into force, further proceedings shall continue according to current regulations.

On the date when this Code of Ethics comes into force, any paused procedure shall continue according to provisions of this Code of Ethics.

If, before this Code of Ethics comes into force, a first instance decision from Paragraph 1 of this Article is annulled, further procedures shall be conducted in compliance with this Code of Ethics.

Cessation of Previous Acts

Article 40

When this Code of Ethics comes into force, the Code on Academic Ethics no. 01-1117 from May 11th 2004, the Rulebook on the Work of the Court of Honour no. 01-836 from April 20th 2004 and the Rulebook on Amendments to the Rulebook on the Work of the Court of Honour no. 01-131 from January 27th 2005 shall be null and void.

Coming into Force

Article 41

This Code of Ethics shall come into force on the day of publishing in the “Bulletin of the University of Montenegro”.