

Legislative Impact on Academic Ethics and Integrity

GILDA TOMA

PhD. Student doctorate

Institute of national economy to Craiova

Abstract

Any research project starts from a brilliant idea based on a well-defined goal, translated into a research question without knowing the answer. The purpose of each research must lead to concrete social values, with minimal but legitimate risks for the participants. The dimension of each research actually leads to the application of results from fundamental research, in well-defined situations, for the construction of technologies, which bring plus value at the level of knowledge. If, from a social viewpoint, research entails useful knowledge, from an ethical point of view, the fair use of financial resources is considered, given that the research is publicly funded, with the greatest possible social utility, with implications enlarged, extended on different research topics. Any research topic is characterized by clarity, highlighting the empirical purpose of the research so that it can reflect the ~~size~~ perspective of the researcher, of the evaluator of the research project but also of the final beneficiary of the research. Starting from the purpose of the doctoral thesis, one can demonstrate that the research range is tremendous, including theoretical objectives for the improvement of the research field but also in the alternative through the application of theoretical innovations meant to open aspects of public policy changes. At a regional level, the research is meant to bring efficiency, through applied policies. In order for these to define their specific contributions, in order to be applicable, the researcher can select the sources that may be useful, the size in which they can be collected, distinguishing between research with regional impact, but also pseudo-research in order to be published and to have ~~a credit academic~~ an academic credit, taking into account that in the academic space it is necessary to highlight the research topics through the publishing activity.

“The ethical character of the research purpose (Vicol & Astărăstoai, 2009) must result, from the research proposal, until the final moment of the presentation of the results.”

Keywords: *ethical character , theoretical innovations meant, fundamental research added value*

JEL O30, O38, O39

Introduction

So “the value of research is an ethical dimension (Vicol & Astărăstoai, 2009) which is analyzed by both the research proponent and the ethics committee called to assess its ethical acceptability in terms of the social significance of the results and the potential for social progress in following the completion of the research.” As an ethical issue, a research topic is valid in correlation with the manipulative potential of social research, the autonomy of individuals participating in the research study is closely correlated with their informed consent (Ioan & Stângă, 2009).

Some research principles need to be considered in research ethics:

. principle of the benefit, which must have certain benefits for both the participants in the research and the society, or the maximization of benefits and the minimization of risks,

- . The principle of non-harm, which aims to do no harm to those involved in the research, be they subjects or other categories involved up to the results of the research,
- . The principle of distributive justice, which aims at a real and equitable distribution of both risks and benefits,
- . The principle of confidentiality and data protection, so that there must be a research topic with an anonymous nature of the information, without disclosing the information about the participants in the research.

To these are added a series of principles synthesized and adapted after Resnik (2015) and Shamoo and Resnik (2015) respectively:

-honesty, objectivity, academic integrity, requirement in research, opening, respect for intellectual property, respect for the rights of research participants, responsible publication, mentoring;

In principle, research ethics, based on the mentioned principles, aims for the research topic to avoid discrimination, to include social and peer respect, to have professional skills of the subjects involved, in a well-established legal framework. It is therefore necessary for the researcher to know the normative framework in force for each field of research. About ethical acceptability, regarding the publication of data obtained and used in contemporary biomedical research. When human subjects are used, any research is aimed at caring for them, in order to reap the benefits of an effective, equitable research project by promoting open access to published articles, minimizing the risks to human subjects. .

A research project starts from a central idea that represents the purpose of the project, which is translated into a research question to which answers are sought. Any research becomes challenging, its extension being correlated with the financial budget available to the research team. (Chapin, 2004). From an ethical point of view, the allocation of any resources aims at an analysis of the feasibility structure of the research from the proposal stage, without having negative effects or other ambiguities. The research project must therefore be concise, clear in the chosen field, including its own research, elements of dissemination of research results, with in-depth extension in the field of knowledge.

The National Research and Development System can be analyzed through public law units and institutions and private law units and institutions, regulated at national and European Union level through a national strategy of the research, development and innovation system, having based on the legal framework under the accreditation of Government Ordinance no. 57/2002 on scientific research and technological development. Art.39 of OG57 / 2002 includes a strategic analysis regarding the National Program for Research, Development and Innovation following the objectives:

- Promoting and developing the system to ensure the scientific and cultural development of the country,
- Integrity in the international scientific community,
- Development and protection of the Romanian technical, scientific patrimony,
- Development of material and human resources in the field of research;

All these objectives present a clear vision in formulating conclusions, solutions for the year 2015-2020, namely increasing performance, developing funding resources, preparing the private sector, increasing institutional capacity and expanding international cooperation. Scientific research, even if it has been shown to be possible and feasible, something that is not immoral to society or threatening to the human species. The system of supervision of scientific research is the codes of ethics, committees and commissions of ethics, channeled through rules contained in codes, which aim to ensure that the recipients of research comply with ethical conduct and lead to its implementation. Although it is a complex activity over time, the codification activity is based on a well-defined legislative framework, which brings together regulations in the same compact field, even if they have different contents. It can be said that the recipients of the ethical conduct codes in the research-development field are regulated by the European Charter of Researchers. It is therefore, important to know the legal framework, if it meets the regulations and requirements of the recipients, if legislative violations and ethical misconduct are sanctioned in the sense of discouraging, in the future, the spread of the phenomenon of ethics violations in scientific research.

Antonio Sandu / Workshop / Ethical elements involved in the research proposal /, (2011), p1-2
Operational Program, Development administrative capacity”, in the period 2007-2013
Government Ordinance no. 57/2002 on scientific research and technological development

Regulation of 8.06.2012 on the organization and functioning of the National Council for Ethics of Scientific Research

Order 4393/2012 on the approval of the Regulation on the organization and functioning of the National Ethics Council for Scientific Research, Development and Innovation

European Charter for Researchers VICOL & ASTĂRĂSTOAIIE, (2009), "ETHICAL ELEMENTS INVOLVED IN THE RESEARCH PROPOSAL", Romanian Journal of Bioethics 7 (3), 53-64, [Adil E Shamoo](#); David B Resnik (2015) "Leadership responsible for research", New York, NY: Oxford University Press, [2015] © 2015

Iulian C ătălin Left-Google Scholar, (2009)

BJ O'Neill, (2006), "SOCIAL ANTHROPOLOGY: COMPLEX SOCIETIES," Publisher: University S.Chapin, (2004), "Emerging consensus on biodiversity and ecosystem functioning" University of Alaska, Fairbanks, Alaska, <https://onlinelibrary.wiley.com>

Chapter 1

Legislative measures in public and private law units

Any entity or institution in our country, carries out its scientific research activity, within a national system of scientific development and technological development, within public and private law institutions, with legal personality that aims at research, development and innovation. As an integral part of the research-development system, the public law institutions according to art.7 of OG57 / 2002, there are the following:

- accredited higher education institutions or their structures,
 - national research and development institutions,
 - institutions of the Romanian Academy of research and development,
 - research and development institutions attached in the vicinity of companies or autonomous utilities of national interest;
 - Apart from these, also as part of the national research and development system can be listed the following institutions or units of private law:
 - research and development centers free from patrimonial purpose, with recognition of public utility,
 - research and development stations organized as legal persons, of private law, without patrimonial purpose,
 - private, higher education institutions that are accredited, but constituted according to the University Charter,
 - Other non - governmental organizations that have research and development as object of activity;
- OG57 / 2002 provides, in fact, the modalities of establishment, modification of all public or private law units in our country.

"Researchers must adhere to recognized ethical practices and the fundamental principles of ethics, corresponding to their discipline, as well as the ethical standards, existing in different national, sectoral or institutional Codes of Ethics" (European Researcher's Charter).

At national level, the legislation underlying the research and development system has been regulated since the 1990s, which even today reflects the transition from a centralized system to a system corresponding to market economies. We can mention a series of legislative acts adopted in Romania, regarding the research-development system:

- . Law no.1 / 2011 of national education with subsequent amendments and completions,
- . Ordinance 65/29/08/2002 on the status of research and development staff,
- . Regulation of 2 June 2014 on the organization and functioning of the Advisory Board for Research, Development and Innovation,
- .Law no. 319/2003 on the status of research and development staff,
- .Order 5514/2011 on the approval of the Regulation on the organization and functioning of the Advisory Board for Research, Development and Innovation,
- .Regulation of 08.06.2012 on the organization and functioning of the National Ethics Council for Scientific Research, Development and Innovation,
- .Regulation of 6 October 2011 on the organization and functioning of the National Council of Ethics in Pre-University Education,

.Order 4393/2012 on the approval of the Regulation on the organization and functioning of the national Council of Ethics for Science, Development and Innovation,
 .Order 3979/2012 on the establishment of the University Ethics and Management Council and the approval of the Regulation on its organization and functioning;

As presented in Law 1/2011 in conjunction with Law 206/2004 on good conduct in the field of scientific research (art. 1): "Good conduct in the activities and the field of scientific research, technological development and innovation, hereinafter referred to as research and development, is based upon a set of rules of good conduct and procedures meant to ensure their observance. The norms of good conduct are provided in the present law and are completed and detailed in the Code of Ethics and professional deontology of the research-development staff. This legislative framework representative through, ordinances or regulations, aims that the system of academic ethics, is carried out on the basis of the following principles:

- the ensuring of equal opportunities in the research system while respecting the principle of transparency regarding the use of material resources, infrastructure or information necessary to facilitate a non-discriminatory research environment,
- .-obtaining certain benefits as a result of respecting the principle of academic freedom, through freedom of expression, sacrifice, hard work and ambition,
- the central pillar of values in the research and development system as well as in the codes of ethics is the observance of the principle of academic integrity, which must be enjoyed by every university institution,
- regarding the quality of the educational process, the principle of professional competence must be followed, in order to encourage the development of academic programs at the level of the highest standards,

Any academic community, has the obligation to recognize the merit of each researcher, either through reward, as a motivation for the goal achieved in research-development;

- an essential principle is represented by plagiarism, respectively copying or paraphrasing a text without specifying the author, unassigned citation of ideas that leave the impression that they belong to the one who quotes them or appropriation of intellectual contributions, without presenting the source of these contributions,
 - we can specify that not only in the codes of ethic from state universities but also in the private ones, the academic responsibility follows a professional and civic dimension, a principle that pursues/respects the requirements of the ~~company~~ society, the achievement of the ~~proposed~~ intended purpose,
 - the promotion of the scientific activity, the participation in seminars, national and international conferences, are reflected in the compliance with principle ~~looking~~ regarding the development of knowledge and the quest for scientific truth/ pursuit of scientific truth.
 - it is possible to say that there are two indispensable moral values in an academic environment, respectively respect and tolerance, in a fair and transparent academic milieu, without using acts of slander, humiliation, threats or harassment, assault on a person's physical or psychic integrity;
- All these ethical values are sine qua non for good unfolding, strengthening and trust in the educational system, being promoted in the community as a whole.

Government Ordinance no. 57/2002 on scientific research and technological development [http :
 //www.transparency.org.ro/pacte/Pactul National deIntegritatePentruMediulAcademic.pdf](http://www.transparency.org.ro/pacte/Pactul_National_deIntegritatePentruMediulAcademic.pdf)

Any misconduct or immoral conduct is defined as "the fabrication, falsification, plagiarism or deception in proposing, conducting or communicating deliberate resultsand, dangerous or negligent deviations from accepted research practices. It includes non-compliance with established research protocols if this results in unacceptable risks to humans, other vertebrates or the environment, as well as facilitating misconduct in research through contact with or concealment of such actions by others."(Medical Research Council (England). This can be found in:

- deliberate fraud, by fabricating data or "beautifying" research results,
- honest, mistakes or questionable practices, by superficial practice of research studies or even negligence;

We can therefore say that in any research proposal the following elements of ethics are involved: - Rules and regulations / Rules of Conduct /, Ethical Practices / Moral Principles / Research /, Values;

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A national research system involves achieving the objectives of a research project, obtaining results that are expected to match the contributions of study participants, preventing risks and obtaining benefits. As an essential element of the research and development system, ethics is therefore a "guardian" of the integrity, transparency of all implied activities, thus having a role to develop on moral principles, and having a legislative framework, relations between the recipients of ethics, without distorting the purpose for which it is made. Within each university there are university commissions, whose decision must express the need to trust the university system, the principles that guide it, transparency, fairness, morality and integrity, in order to become a benchmark in society. The National Council of Ethics for Scientific Research, Technological Development and Innovation, according to the law, receives notifications regarding the violation of the code of ethics, on the website of each institution the reports and decisions related to the notifications made are posted. Any balance in a society can be disturbed by the committing of crimes that can be established by assuming the parties involved, both the community and the victim and the offender. The Probation Service provides for the responsible observance of the social construction process of the perpetrator under supervision, through a strategy based not only on social action but also on communication. This autonomous decision of the subjects involved is seen in several aspects:

- an autonomy as self-determination that belongs to the individual able to establish his own options, both for the general development of life and for a decision that must be taken in a particular situation (O'Neil, 2006);
- an autonomy as authenticity (Sandu, 2012d), est capacity of the individual to preserve his own decisions;
- a relational autonomy, which assumes that the current ethical decision is the result of the process of socializing moral norms (Sandu, 2014).

Responsible Science: Ensuring the Integrity of the Research Process, Report of the Panel on Scientific Responsibility and the Conduct of Research, National Academy Press, 1992 ; Antonio Sandu, (2012d) "Professional ethics and transparency in public administration ", Lumen Publishing House ; Antonio Sandu , (2014 " Elements of Sociology "

Chapter 2

Deviations and decisions in research ethics

In the university environment we can find decisions based on the following types of deviations:

1. Plagiarism, as the most common form of misconduct in the academic higher education environment, for graduation thesis, doctoral, and other research topics. There are situations when the authors self-plagiarize themselves by copying entire segments from other graduation or doctoral topics. In these conditions there is a severe deviation from article 21, paragraph 1.2.11 from the Code of Professional Ethics and Deontology of the university from which the doctoral student is part of, or the PhD professor who is about to fulfill the post of university professor.

A second notification follows, in which the translation into another language, by changing the order of the authors, violates Law no.206, art.2m paragraph 1,2,4:

The third intimation would represent an elimination of one of the authors, who are on the list, which is a violation of the code of ethics;

It can be said that through the exemplified situations, the score of the articles that are evaluated decreases and implies negative effects in the promotion of a university lecturer. As a result of these issues, the university commission of ethics preceded the assignment of a written warning and the withdrawal of one of the two publications. Such suspicions have created a series of discrepancies reflected in the public debates in the media, resulting in low credibility of the ethics and academic integrity commissions.

Studies conducted by the Coalition for Clean Universities have shown that out of a total of 46 universities, there is a low phenomenon of plagiarism, due to the strict observance of the rules imposed by the ethics commissions.

2. When there is inappropriate or defamatory behavior, the ethics committees follow both complaints made by the injured party and the aggressor, so that if the gravity of the facts is amplified by decisions of the Code of Ethics and University Deontology, a written warning is applied, until expulsion, canceling the fraudulent exam. According to art.318 of Law 1/2011, the university teaching staff in question may be suspended from occupying a higher position for a period of 4 years. By analyzing the facts, the ethics board can give a written warning to the university lecturer, according to the law of education, as "public misinformation, slander and denigration of

programs and persons, pertaining to the institution, are not allowed by members of its own academic community”.

3. Violation of the Code of Ethics and University Deontology, is found by replacing some results with fictitious data, used for scientific purposes, a rather serious case that violates the principles of honesty and good faith.

Report on the settlement of the notification no. 12 / 8.11.2012-www.umftgm.ro

Report on the resolution of the Ethics Commission no. 11 / 29.10.2012;

http://www.ugal.ro/doc/serbanescu.luiza/files/hotarare_senat_16%20din2030_3_2015 romania-alcătuire-de-coalitia-pentru-universitati-curate /

At the level of each university, ethics committees draw attention to the honesty of academics in terms of direct or indirect solicitation, material benefits or moral benefits, which represent illegal violations of the ethics committee legislation, thus discrediting the institution to which they belong.

4. There may be situations when, in order to pass exams, material benefits are claimed, which are prohibited in the Code of Ethics, thus triggering the idea of mistrust, poor academic performance and, in conclusion, a decrease in the educational level of university education. Although sanctions are generated by these issues to the detriment of the academic image, written warnings are provided in the Code of Ethics.

From the analysis of these issues, it can be seen that the degeneration of these aspects is determined by non-complying with well-specified rules in the Code of Ethics and Professional Deontology, which through the legal framework, tracks the causes that lead towards the tendency to deviate throughout the process of scientific research or academic education in principle.

Regarding the application of some measures, for non-compliance with the Code of Ethics, it can be observed that the emphasis is on sanctions, not on prevention, without trying to correct those who violate these principles. In the national system of scientific research and technological development, it has been shown that there are the following causes that determine the violation of ethical rules:

- The principle Transparency which is not found in research papers except as a theoretical concept, being nevertheless one of the basic principles in all sectors of activity. Although the communication of information is simplified and evolving in the current period, the administrative and decision-making transparency at the level of ethics is still poorly developed, which leads to the violation of the rules of academic ethics. It was found that 38% of state universities in our country, are administratively transparent by complying with the legislation and publishing in real time the research topics, and observing the university charter. A number of cases have been identified regarding the contest for some university positions, with the idea of “university families” in mind, that is positions dedicated to family members of the academics, which is a flagrant violation of the code of moral ethics. The avoidance of the conflicts of interest, by means of establishing family members as assessors who are academic lecturers, has been standardized/regulated by the ethics committees.

It was also observed through statistical analysis that the number of corruption cases in the academic field has increased, both among students and among university teachers.

As shown by a Comșa study, carried out in 2007 on a sample of 1007 teaching staff from the university milieu and a number of 1171 students, in 2007, the phenomenon of corruption was a major problem.

Decision no.1 / 6.02.2015-Ethics Commission of UMF Grigore T.Popa Iași

Medical Research Council (United Kingdom) - Wikipedia, the free encyclopedia <https://en.wikipedia.org/wiki/>

Study Coalition for Clean Universities, (2016), <https://www.romaniacurata.ro/cuco-reports> ; Comșa, Tufiș,

Voicu (2007), pp.69-70

This results in lack of professionalism, which is one of the qualities, characteristic of each member as a recipient of the universal ethical norm, specific to the teacher, student and ancillary teaching staff. We can notice situations of non-professional courses being held, but also giving inappropriate grades to students; there is a situation of discrimination, therefore deontological violation of the system of professional ethics. Any situation in which unprofessionalism is noticed, leads to poor professional activity and implicitly poor quality of the management of the institution, a discouragement of professional merit/ credit.

-Lack of academic integrity as a result of non-compliance with the rules of academic ethics, is an imbalance of the ethics system.

-Lack of instances of rigorous and effective control in the academic environment. In the academic milieu it is necessary a vertical control, a judgement of the facts, a preventive control, with competences in the relevant ministry, but also a horizontal control carried out by the university ethics commissions, the efficient and timely resolution of the notifications/ complaints brought by the ethics committees.

-the existence of low level of academic education, determined by the violation of professional ethics norms, marked through the existence of a greater number of universities which can be known even in the media, as " diploma factory " as they offer the possibility to easily obtain graduation diplomas as a result of the professional inability to study for a period of 3-4 years of study in prestigious, scientifically accredited universities.

Conclusions

Although in the websites of the universities, through the media, the press discusses a high level of university education, the large number of hours completed, the quality of the academic act, of the teachers and students, it is necessary to deepen with priority the legislation framework underlying academic training, establishing a single code for preventing the principles of breaches of academic ethics, scientific research and innovation, by means of strict adherence to the rules of application, the principles of honesty, transparency, fairness, good faith, thus achieving a prosperous and efficient academic environment. It is necessary to simplify the legislation on the development and innovation system, with an active involvement of decision makers, teachers and students, in the expansion of scientific topics that can be viable and implemented in society, with an educational role and for the growth/evolution of society.

If the number of cases of violation of the code of ethics has increased, the causes leading to their accentuation must be found, as well so as their early prevention in order to minimize the deviations from the codes of ethics.

The unique ethical code can present a stability for all recipients of the ethics norm, its legal framework being beneficial for both issuers and beneficiaries.

At national level, the transparency of the implementation of the Code of Ethics could be regulated by means of being published in the Official Gazette, in order to make it accessible to anyone, thus achieving a uniformity of all recipients.