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# **Code of Ethics of the Central European University**

## **PREAMBLE**

The Central European University is an institution of higher education aimed at developing and enhancing academic knowledge and research. All the members of the University Community should be devoted to this aim.

The University recognizes the human dignity of each one of its members. In that respect, the University should foster an academic, working and living environment that is free from any form of harassment or discrimination, including that based on race, color, national origin, ethnicity, religion, gender, sexual orientation, disability, age, or any factors prohibited by law.

Members of the University Community should form a community based on the values of an open society, mutual understanding and respect for individual and cultural diversity. While exchanging their ideas, they should strive to maintain a respectful and positive attitude towards one another. Friendly relations, good behavior and fair play should prevail at all times in their interactions.

The purpose of the Code is to protect the values common to all members of the University Community, including academic integrity, obedience to the law and ethical standards; and to provide a clear procedural system for dealing with matters of general and academic misconduct that jeopardize the health, safety, development and mission of the University and of its individual members.

The University, in general, prefers to settle issues relating to any misconduct as defined in this Code at all stages of any procedures in an amicable manner if possible as set out in detail below.

The Code aims to create an environment within which all persons are free to evolve as long as the exercise of their freedom does not infringe upon that of others. The underlying values of this Code include freedom from harassment and discrimination, as well as respect for the freedom of speech, academic freedom of association or peaceful assembly, limited only by the obligation imposed upon all members to respect the goals of the community. The provisions of the Code shall be implemented objectively, without discrimination or bias.

It is not meant, however, to restrict the competence and authority of the employers, supervisors and other individuals and committees who are elsewhere properly charged with overseeing and evaluating academic and administrative performance of academic staff members, Students and non-academic Employees. In addition, this Code is not meant to supersede possible efforts to informally work out disputes and conflicts or mediation efforts nor the sanctions that may be imposed in accordance with the effective labor law provisions, as applicable. Finally, the procedural and substantive provisions of this Code will not apply where precluded or contradicted by governing law.

## **PART I**

### **GENERAL PROVISIONS**

#### **Article 1**

##### **Title**

This document is to be referred to as the Code of Ethics of the Central European University.

#### **Article 2**

##### **Definitions**

1. For the purposes of the Code of Ethics of the Central European University:
  - (a) “Appellant” means the person appealing a decision of the Disciplinary Committee to the Grievance Committee;
  - (b) “CEU Group” means especially but not limited to, Central European University Foundation of Budapest, the University, CEU Education-Service Nonprofit Kft. , or any subsidiaries or affiliates thereof, or any entity where any of the above acquire shares or business quota or other ownership interest;
  - (c) “Complaint Form” means a document substantially in the form of Annex 1;
  - (d) “Code” means the Code of Ethics of the CEU Group;
  - (e) “Complainant” means the person lodging a formal complaint on the Complaint Form with the Disciplinary Committee against another member of the University Community for an alleged breach of a provision of this Code or the person having a complaint in case of a simplified procedure;
  - (f) “Contractors” means tenants (and their employees), agents and invited guests of and vendors to the CEU Group as well as academics (individuals) providing educational or research services through a civil law contract to the CEU Group for a period less than 30 days;
  - (g) “Employees” include all persons employed by a labor contract by the University or by any other entity of the CEU Group;
  - (h) “HEA” means the Act on National Higher Education;
  - (i) “In writing” means a document hand-delivered, sent through a professional postal service or send by e-mail in a pdf or similar format (which cannot be altered subsequently) and is sent either with a certified electronic signature or (in the alternative) is also copied to the Chairperson of the Disciplinary Committee and the University counsel;
  - (j) “Key Officers” means the Rector, the Pro-Rectors, the COO or Vice-President for Administration of the University;
  - (k) “Month” means 31 calendar days;
  - (l) “Ongoing offences” are offences which are either repeatedly committed or where the “results” (such as a title or a mark) of a violation (such as plagiarism or cheating etc.) are used or abused by the person who perpetrated the violation.
  - (m) “Others” includes individuals providing educational, research or support services by a civil law contract to the CEU Group not falling in another category, and interns;
  - (n) “Parties” means Complainant or the Disciplinary Committee, and Respondent;
  - (o) “Respondent” means the person against whom an allegation is made that he or she has violated a provision of this Code;
  - (p) “Students” include all persons enrolled in any of the educational programs offered by the University or by any other member of the CEU Group on a full- or part-time basis;

- (q) “Unit Heads” means heads of departments, schools and other organizational or operational units;
- (r) “University” means the Central European University New York, Central European University Private University and Közép-európai Egyetem;
- (s) “University Community” includes Students, Employees and Others;
- (t) “University Premises” include all buildings used by the University or by any other member of the CEU Group.

### **Article 3**

#### **SCOPE**

This Code applies to all areas of University operations and programs. It applies not only to conduct within the buildings used by the CEU Group (including the CEU Residence and Conference Center and other dormitory facilities that may be provided by the CEU Group), but also to CEU Group-related activities that may occur elsewhere, such as on field trips, at CEU Group-sponsored events, at occasions related to the educational mission of the CEU Group. It also applies to conduct occurring outside any of these places if it happens between members of the University Community and affects their performance in CEU Group activities. The policy applies to the conduct of all Employees (including temporary and part-time employees) and all Students, as well as to the conduct of those who are guests of or who do business with the CEU Group.

In order to apply this Code to Contractors and Others in their dealings with the CEU Group a clause substantially in the form of Annex 3 shall be included heretofore into all contracts to be concluded by the CEU Group entities with Contractors and Others.

### **Article 4**

#### **PERSONAL JURISDICTION AND APPLICATION**

##### **Article 4.1**

##### **Subject Matter and Personal Jurisdiction and Application**

1. The jurisdiction under this Code shall extend to all alleged violations of the Code and to all members of the University Community. Violations of this Code by Contractors may be subject of the Code but Contractors may not initiate proceedings under the Code. Alumni are not entitled to file complaints under the Code, save in relation to the specific provisions of the CEU Harassment Policy. However, alumni may be subject to the provisions of the Code where academic dishonesty as provided for in Annex 4, 1 (a) – (b), (e) – (f), (h), (k) comes to light after leaving CEU where it impacts the integrity of the awarding of a CEU degree.

2. Exercise of jurisdiction under the Code shall not impede the investigation of criminal or civil offenses, appropriate recourses under labor law or other appropriate recourses. The application of the processes or sanctions under this Code is not a precondition for or does not preclude labor/civil/administrative or criminal procedures.

3. In case a member of the CEU Group, an Employee, a Student or an Other initiated legal procedures, the procedures under this Code cannot be initiated or need to be discontinued unless the Parties voluntarily and expressly submit to the application of these procedures and possible sanctions. Immediate measures may be imposed, reviewed or revoked by the Disciplinary Committee irrespective of the above.

4. The procedures under this Code are not labor measures of the University as Employer, unless taken by the person exercising employer's rights.

5. The prosecution of or failure to prosecute a criminal act or a civil offense by the local authorities shall neither compel nor preclude action by those charged with implementing the Code.

6. Allegations regarding sexual harassment and/or discrimination and/or other harassment and/or plagiarism are subject to the Central European University Policy on Harassment, the University's Equal Opportunity Policy and the CEU' Policy on Plagiarism. These policies can be found at: <https://documents.ceu.edu/>.

7. In case Unit Heads or Key Officers are subject to a procedure under this Code, the Disciplinary Committee and the Grievance Committee need to be composed in such a way that – to the extent possible – members of the Committee not be subordinates to the Respondent. In exceptional cases, such as where the subject of the procedure is a senior member of the University administration, the Chair of the Disciplinary or Grievance Committee may appoint an independent fact finder, following consultation with University Counsel.

8. In case the University Counsel is subject to or initiates a procedure under this Code, the Disciplinary Committee and the Grievance Committee may only seek legal advice from other legal counsel independent of the University legal counsel and without a conflict of interest.

9. References in this Code to policies include any subsequently adopted policies that replace such policies.

## **Article 5**

### **Territorial Jurisdiction**

Jurisdiction under this Code is not limited to conduct occurring on University Premises but also elsewhere in relation to CEU Group-related activities, such as field trips, CEU Group-sponsored events, services paid for by any CEU Group entity.

## **Article 6**

### **MISCONDUCT**

Misconduct is defined as a breach of this Code. Types of misconduct are listed in Annex 4.

## **Article 7**

### **Implementation of the Code**

1. The provisions of the Code are implemented by the Disciplinary Committee and the Grievance Committee and by Key Officers and Unit Heads in the context of Article 33.6.

2. Recourse against decisions or measures of the Disciplinary Committee may be filed to the Grievance Committee. The Grievance Committee oversees the legality and conformity with the by-laws and other internal rules of the decisions of the Disciplinary Committee.

## **Article 8**

### **Misconduct by Employees**

1. The Disciplinary Committee shall have first instance jurisdiction to hear cases of misconduct by Employees. Employees may have recourse to a remedy by the Grievance Committee against the decision.

## **Article 9**

### **Misconduct by Students**

1. The Disciplinary Committee shall have first instance jurisdiction to hear cases of misconducts by Students.

Students may have recourse to a remedy by the Grievance Committee against the decision.

## **Article 10**

### **Misconduct by Others and Contractors**

The Disciplinary Committee shall have jurisdiction to hear cases of misconducts by Others and Contractors. In order to be able to effectively exercise such jurisdiction all contracts to be concluded by the CEU Group shall contain a clause regarding the applicability of the Code and the jurisdiction of the Disciplinary and Grievance Committee.

## **PART II**

### **IMMEDIATE MEASURES**

## **Article 11**

1. Immediate measures may be imposed in case of a suspected violation of the Code by Students, Employees, Others and Contractors. Immediate measures are listed in Annex 5.

2. If no appeal is lodged against an immediate measure within 8 working days such measure becomes permanent until a final decision is made concerning the matter by either the Disciplinary Committee or by the Grievance Committee, unless the Disciplinary Committee Chair considers the measure can be lifted earlier.

## **Article 12**

### **1. Immediate measures against violators of immediate measures**

In case of knowing or intentional violation of an immediate measure, measures in Annex 5 Section 1 (d), (g) or (h), Section 2 (e), Section 3 (a) or (c) or Annex 7 Section 3 may be imposed following consultation with University Counsel.

### **2. Appeal against measures under Article 11 and Article 12**

In case the person onto whom the immediate measure is imposed appeals against such immediate measure as per and within the deadline specified in Article 32 of the present Code, the Grievance Committee shall carry out the procedure as described in the present Code. Such appeal has no suspensive or dilatory effect.

## **Article 13**

### **Effect of immediate measures on the Disciplinary Committee**

1. The imposition of immediate measures shall not bind the Disciplinary Committee with respect to the ultimate outcome of a disciplinary proceeding. Regardless of whether immediate measures were imposed, the Disciplinary Committee shall conduct a disciplinary proceeding de novo.

2. In the event that a disciplinary proceeding establishes that a violation of the Code has not occurred, the Disciplinary Committee shall, in its discretion, take steps to ameliorate the imposition of immediate measures, including reinstatement of privileges or status, return of confiscated property, and, with the consent of the person against whom the measures was imposed, notice to affected individuals or the University Community of its findings.

## **PART III**

### **Confidentiality, minutes, record keeping, legal representation**

#### **Article 14**

##### **Confidentiality of proceedings**

1. Persons charged with implementing the Code, as well as any person involved in any aspect of an allegation (including complainant, respondent and witnesses), shall maintain the confidentiality of any investigation, proceeding and decision unless otherwise required by law or as determined by the Rector/President of the University or the Pro-Rectors to be consistent with appropriate standards for privacy and access to records.

#### **Article 15**

##### **Minutes**

1. Minutes of the meetings of Disciplinary Committee and the Grievance Committee shall be recorded electronically or other appropriate records and such recording shall be kept together with the file. Parties may request copies of the records, except in relation to the deliberations of the Committee provided for in Article 30.1 of the present Code, and subject to the requirements of confidentiality.

#### **Article 16**

##### **Record Keeping**

1. The Disciplinary Committee and the Grievance Committee shall keep confidential files in electronic or non-electronic form of all complaints and matters involving the imposition of immediate measures, as well as their status and resolution. The confidential file shall consist of copies of the complaint, all witness statements as well as notes made by investigators and/or committee members.

2. After the Disciplinary Committee or the Grievance Committee has issued its final determination on a complaint, the Chairperson of the Disciplinary Committee or the Chairperson of the Grievance Committee shall collect all copies of all documentation relating to the complaint. Originals shall be maintained in the confidential file (physical or electronic file with a password) and all copies shall be securely shredded/deleted unless otherwise required by law. Any hard-copy confidential file shall be maintained by the Human Resources Office in a secure locked file segregated from any other employee or student files.

Except as set forth in paragraph 3, and other than the Chairperson of the Disciplinary Committee and the Chairperson of the Grievance Committee, the confidential file shall not be disclosed to anyone, except (a) counsel to the University; (b) the Rector/President of the University and the Pro-Rectors; (c) in the case of University Employees, to the Director of Human Resources Office and persons exercising “employer’s rights” under the applicable law; (d) upon submission of a written request, to the person accused of misconduct and/or who is subject to sanctions as a result of the complaint; (e) to a government authority or private party if required to do so by law; or (f) unless otherwise required by law or as determined by the Rector/President of the University or the Pro-Rectors to be consistent with appropriate standards for privacy and access to records. In these last three cases, disclosure of the file shall be granted only after counsel to the University reviews the file, withholding from review or appropriately redacting information that is privileged or would compromise the University’s or an individual’s privacy interests. Such withdrawal or redaction of information shall not be undertaken where contrary to law, however. In addition, any accused or sanctioned individual may review the hard copy file only in the Human Resources Office and in the company of a Human Resources staff member and may not copy or remove materials from the file.

3. When investigating complaints in which the Disciplinary Committee/Grievance Committee believes it is necessary to determine whether an individual or individuals have been accused and/or involved in prior complaints of misconduct, the Chairperson of the acting Committee shall have access to review the confidential files. If the Chairperson believes disclosure of a confidential file from a prior

complaint would be necessary to appropriately resolve a current complaint, the Chairperson may grant access of review to the Disciplinary Committee/Grievance Committee. When a determination is made to provide access to a confidential file of a prior complaint to the Disciplinary Committee/Grievance Committee the Chairperson providing access shall ensure that the names of all complaining Parties or witnesses involved in the prior complaint are redacted to protect their privacy. In considering whether or not to disclose information in the case of a confidential file relating to a University Employee, the Chairperson shall contact the University's counsel to determine whether disclosure of the file, and/or redaction or removal of information in the file, is either required or precluded as a matter of law.

## **Article 17**

### **Legal representation**

Parties may be advised by their own legal counsels in all hearings, but having legal counsel does not replace presence by the Parties.

## **PART IV INSTITUTIONS**

## **Article 18**

### **THE DISCIPLINARY COMMITTEE AND THE GRIEVANCE COMMITTEE**

18.1. The Disciplinary Committee is the venue to hear violations of this Code by Students, by Employees, by Contractors and by Others. The Disciplinary Committee is the exclusive venue to hear and decide on complaints on sexual harassment at the first instance.

18.2. The Grievance Committee is the venue to hear appeals. Hereunder when the Code refers to Committee both the Disciplinary and the Grievance Committee are meant thereunder.

## **Article 19**

### **Membership**

1. Both the Disciplinary and the Grievance Committee comprise seven to nine regular members (including the Chairperson). Faculty and staff members are elected by the Senate upon nomination by the Committee Chair. Student members are elected by the Student Union.
2. In case of hearing of cases of Students one-third of the Committee shall be comprised of student members. In case of hearing of cases of non-academic Employees there shall be one non-academic Employee on the Committee. To achieve the required composition of the Committee, the Chair may adjust the Committee membership by inviting ad hoc members where needed. The Committee shall include both men and women in an endeavor to have a fair balance of sexes.
3. A list of ad hoc members will comprise three academic employees, three non-academic employees and three Students. The academic and non-academic ad hoc members are elected by the Senate upon nomination by the Committee Chair following a request to all employees for nominations. The student ad hoc members are elected by the Student Union. This list shall have a balanced number of men and women.
4. The Chairpersons of both the Disciplinary and the Grievance Committee shall be elected by the Senate upon nomination by the Rector. A deputy chairperson, to whom the chairperson shall delegate his or her responsibilities in his or her absence, is elected by the Committee itself.

5. The regular term of membership shall be three years, renewable. A Committee member may serve a longer or shorter term upon invitation of and in agreement with the Committee Chair. Members shall serve until their successors are elected by the Senate.

## **Article 20**

### **Standing Rules**

The Disciplinary and the Grievance Committee may create their own standing rules.

## **Article 21**

### **Competencies**

The Competencies of Disciplinary Committee and the Grievance Committee are described in Annex 6.

## **Article 22**

### **Recusal**

1. A member of the Committee who lodges a complaint or against whom an allegation has been brought shall be subject to automatic recusal and shall be excused from all business of the Committee for the duration of that case.

2. Where the Complainant or the Respondent objects to the presence of a member of the Committee, the objection shall be brought to the chairperson of the Committee before the beginning of the proceedings. In the event that the objection is to the Chairperson, the objection should be brought before the proceedings begin to the deputy chairperson. The objection shall be decided upon by the Disciplinary Committee in the first instance, and by the Grievance Committee on appeal, by a simple majority of the members present, provided there is a quorum. The Committee member concerned shall not take part in these proceedings nor shall he or she be entitled to cast a vote on the merits of the objection. If the objection is rejected, the case should then proceed according to the rules of procedure. If the objection is upheld, the challenged member shall be excused from the Committee for consideration of that case.

3. A recused member shall be replaced by a person from the list of ad hoc members. The ad hoc member shall be designated by the Chairperson, or, in the event that the Chairperson is excused, by the deputy chairperson. If the Chairperson recuses himself/herself he/she should name a member of the Disciplinary/Grievance Committee to stand in instead of him/her.

## **Article 23**

### **Vacancies**

1. A member of the Committee who has become unable to continue to serve shall be replaced as soon as possible at the next Senate meeting. In the interim, his or her replacement shall be elected by the Committee, maintaining the composition requirement outlined in Article 19.1, from the list of ad hoc members.

## **Article 24 Quorum**

1. The Committee may hold a hearing or take a decision only in the presence of a quorum of its members. "Presence" for the purpose of this Article includes online presence and decision-making via email or other electronic means.

2. The quorum shall consist of the simple majority of the members. The quorum shall require the presence of at least one Student if at least one of the Parties to the proceedings is a Student or the presence of one non-academic Employee if at least one of the Parties to the proceedings is a non-academic Employee.



## **Article 25**

### **The Grievance Committee**

1. The Grievance Committee is competent to review the legality and conformity with CEU Group policies of the decisions of the Disciplinary Committee on appeal. The Grievance Committee grants an appeal if the breach of the Code by the Disciplinary Committee was material. The Grievance Committee rejects the appeal if the breach of the Code by the Disciplinary Committee was not material or if there was no such breach.

## **PART V**

### **PROCEDURES**

## **Article 26**

### **Initiation and start of Disciplinary Proceedings**

1. Any member of the University Community who suspects that a violation of a provision of this Code has occurred, or who feels they have been the victim of a violation of the Code, may lodge a complaint with any member of the Disciplinary Committee by sending the Complaint Form him or her.
  - a. Complaints against a Student or an Employee should generally be initiated within 5 months from the violation of the Code, unless the Chair of the Disciplinary Committee in consultation with the University Counsel determines that to bar the complaint would conflict with legal or other standards applicable in a particular case. Specific policies (e.g. Policy on Harassment) may provide for different time limits, which should take precedence over the general one. This does not affect any legal recourse that may exist.
  - b. In case of ongoing offences no complaint can be made against a Student or an Employee following one or 5 Months as above subsequent to the last violation, unless the Chair of the Disciplinary Committee in consultation with University counsel determines that to bar the complaint would conflict with legal or other standards applicable in a particular case.
  - c. No complaint shall be initiated until a simplified procedure being taken under Article 33.6. is closed.
  - d. The Chairperson of the Disciplinary Committee may determine – prior to making the determinations under Article 26.3 - that a complaint made to the Disciplinary Committee may be most satisfactorily dealt with under Article 33.6 and refer the complaint to the Pro-Rector for Teaching and Learning (in case of bachelors' and masters' students) or the Pro-Rector for Faculty and Research (in case of doctoral students and faculty) or to the competent Unit Head. Where the complainant is the alleged victim, the Chairperson will discuss this referral with them prior to taking this step.
  - e. Where the individual bringing a complaint has not been directly affected by the alleged misconduct, but is rather bringing a possible breach to the attention of the Committee, the Chair of the Disciplinary Committee may decide, upon consultation with the Committee, to proceed with the case in the name of the Committee.
  - f. The Committee accepts information provided anonymously. The Committee may submit a complaint in its own name on the basis of information provided anonymously where it meets the admissibility requirements in Article 27. In cases where the information provided is insufficient for the Chair to make an admissibility determination under Article 27, the Chair may initiate a preliminary investigation to obtain additional information. The procedure for preliminary investigations is provided for in the Standing Rules of the Committee. The present provision shall not apply to

anonymous disclosures on harassment; such disclosures shall be handled according to the provisions of the Harassment Policy.

2. Throughout the Disciplinary Proceedings, the Disciplinary Committee will endeavor, if possible and where appropriate given the nature of the allegation, to settle issues in an amicable manner. Should an amicable settlement be reached between the Parties, the Disciplinary Committee will continue the Proceedings only in case it finds – following consultation with University Counsel – that this is necessary for the protection of the University Community and/or under applicable laws or such an amicable settlement would be unequitable.

3. The Disciplinary Proceedings are deemed to have been started when (1) the Chair has determined that the complaint may have prima facie merits (under Article 27) and in the case of a procedure in front of the Disciplinary Committee (2) it is also determined who the member(s) responsible for "fact-finding" is (under Article 28) and (3) such person(s) has (have) formally accepted this mission.

4. During proceedings, should a respondent indicate to the Chair or the fact finder(s) that they accept that a breach of the Code has occurred as per the complaint made against them, the Chair may decide, in consultation with the fact finder(s), and with the agreement of the complainant, to conclude the fact finding and/or hearing stages and move straight to decision and sanction under Articles 30 and 31. Acceptance of a breach does not limit the right of appeal under this Code.

## **Article 27**

### **Admissibility**

1. The Chairperson of the Disciplinary Committee is competent to establish within 5 working days from receipt of the complaint, whether the complaint and evidence attached thereto is admissible. This is determined on the basis that the complaint and evidence attached thereto
  - a. is credible, and
  - b. the complaint may have merits, if the facts were established (assuming they are true) would constitute a breach of the Code, and
  - c. if the Disciplinary Committee has competence for the complaint under the Code.
2. The Chairperson of the Disciplinary Committee is encouraged – if he/she sees this course of action reasonable – to decide to make a further effort to settle the issue in an informal, amicable matter. In this case, the admissibility of the formal complaint under paragraph 1 is considered suspended until the outcome of the informal effort is concluded. If the Complainant recognizes the outcome of the informal effort as adequate response to the complaint, no further procedure is needed.

## **Article 28**

### **Fact-Finding**

1. Within 8 working days from the receipt of the complaint, the Chairperson of the Disciplinary Committee shall refer a complaint to at least one member of the Disciplinary Committee who will be charged with collecting all of the relevant information pertaining to the complaint. This (These) member(s) will be responsible for "fact-finding" or collecting this information within a reasonable time and preparing and presenting a report for the Disciplinary Committee, but not later than 15 working days after the case was referred to him/her according to the present section. Exceptionally – in complicated cases or during an exam period – the Chairperson of the Disciplinary Committee may increase this deadline up to 45 working days. In such circumstances, the Parties will be notified.

2. Regarding fact finding, for allegations of sexual harassment the University's Harassment Policy (Section on sexual harassment) will apply and supersede this Code to the extent of any conflict. For allegations of other forms of harassment or of discrimination, in case if stipulated in the relevant policy, the University's Equal Opportunity Policy will apply, and supersede this Code to the extent of any

conflict. In cases involving allegations of plagiarism the CEU's Policy on Plagiarism shall additionally apply for fact finding procedures.

3. In all cases under this Code, the task of the fact-finder will be to collect all relevant information in relation to the complaint and to submit findings to the Disciplinary Committee. Information may include inter alia, witness interviews, written witness statements, documents, written or email communications, or other electronic communications including social media posts.

4. The fact-finder shall use reasonable means for arriving at an accurate account of what occurred, with due regard for the integrity and privacy of all concerned. This should include interviewing the Complainant and the Respondent and any potential witnesses. If more than one fact finder is investigating the matter, they may use their discretion whether to work jointly or separately.

5. Once all available information has been collected, the fact-finder shall present a written fact-finding report to the Disciplinary Committee with a recommendation for decision. The Disciplinary Committee shall convene and schedule a hearing within 5 working days of receipt of the fact-finding report.

6. The Disciplinary Committee shares the full or the redacted fact finding report with the Complainant and with the Respondent prior to the hearing except in the case set out in Article 28.7. Redaction shall occur if the written fact-finding report contains information that is privileged or would compromise the University's or an individual's privacy interests.

7. The Disciplinary Committee shall not share the full or the redacted fact finding report with the Complainant and/or Respondent if, in its assessment, there is a well founded fear that based on information in the fact finding report the Complainant or witnesses would be approached in order to have their statements changed, or that they would be the subject of intimidation, or if the Committee considers that because of the identity of the complaint or of the respondent, they may be at risk of personal or professional retaliation. With due regard for the transparency of proceedings and rights of the respondent, the identity of certain witnesses may be kept confidential by the Disciplinary Committee. This information shall be retained by the Chair in a confidential file.

8. The Disciplinary Committee retains the discretion to initiate formal proceedings even in cases where the Complainant withdraws a complaint or requests that proceedings not be initiated. In some instances, such as allegations of sexual harassment, plagiarism or actionable discrimination, governing law may require such proceedings, even over the objection of the Complainant. In such cases, the Committee may decide to initiate proceedings in its own name, rather than in the name of the original complainant.

9. Where the Committee has initiated or taken forward a complaint pursuant to paragraph 8 of this Article, or paragraph 1 of Article 26, the Chair may decide whether the fact-finding report and subsequent proceedings (hearing, decision) will be communicated to the original complainant.

## **Article 29**

### **Hearing**

1. The Disciplinary Committee shall schedule a hearing within 5 working days and hold such a hearing within a maximum of 20 working days from receiving the fact finding report at the latest.

2. The hearing(s) are closed to all individuals who are not directly involved in the proceedings.

3. Each Party is entitled to present his or her views and all evidence relevant to the issues of guilt and sanction. Each Party may be represented by a legal representative in the procedure. Members of the Disciplinary Committee may ask any pertinent questions they please. The Parties concerned shall not question one another directly unless the Disciplinary Committee permits.

4. The Disciplinary Committee shall be free to determine the weight given to all evidence, including the credibility of witnesses. A matter shall not be rejected on the sole basis that the only evidence available is the competing accounts of the two Parties.

5. Hearings can be held electronically if none of the Parties objects thereto.

## **Article 30**

### **Decision**

1. When the Disciplinary Committee is satisfied that the best available evidence has been heard, the members present shall retire to take a decision on the matter. The deliberations of the Disciplinary Committee are private. The Disciplinary Committee should consult with University counsel on points of law. The standard of proof for evidence is on the balance of probabilities.

2. The decision of the Disciplinary Committee is taken by a simple majority of the members present when a quorum is present, within 8 working days of the conclusion of the hearing.

3. The decision of the Disciplinary Committee may consist of (1) a condemnation and sanction; (2) rejection of the complaint based on lack of evidence; (3) rejection of the complaint based on lack of merits; (4) rejection of the complaint based on lack of competence.

4. The Disciplinary Committee may impose any of the sanctions provided in this Code or other sanctions that are not listed in this Code but are available under the applicable legal regulations with special regard to the applicable law.

5. The decision shall be delivered in writing to the Parties concerned within the deadline of section 2 hereinabove.

## **Article 31**

### **Sanctions**

Sanctions may be imposed in case of a violation of the Code by Students, Employees, Contractors and Others by the Disciplinary/Grievance Committee. Annex 7 details the sanctions.

## **Article 32**

### **Appeal of the Decision**

1. In Disciplinary Proceedings conducted against Students the Parties (Students and the Complainant) have the right to bring an appeal within 15 working days from receipt of the written decision of the Disciplinary Committee to the Grievance Committee. In disciplinary proceedings conducted against Employees, Contractors or Others, the Parties (Employees, Contractors or Others and the Complainant) have the right to bring an appeal within 8 working days from receipt of the written decision of the Disciplinary Committee to the Grievance Committee.

2. The appeal needs to be made on the Appeal Form substantially in the form of Annex 2.

## **Article 33**

### **Procedure of the Grievance Committee on appeal**

33.1. In case the concerned person is a Student, the rules of the HEA and other relevant applicable shall also be applicable. In case of difference the effective legal regulation prevails.

### **Article 33.2**

#### **Prima facie appealability**

The Chairperson of the Grievance Committee is competent to establish whether the Appeal is in the form required, is within deadline and evidence attached thereto is credible, and whether the irregularities alleged in the Appeal - if the alleged legal irregularities established (assuming they are true) - would constitute a material breach of the Code within 5 working days from the receipt of the appeal.

### **Article 33.3 Hearing**

1. The Grievance Committee may schedule a hearing within 5 working days and hold such a hearing within a maximum of 20 working days from receiving the appeal and the decision on the merits under Article 32.1 at the latest.

2. The hearing(s) of the Grievance Committee – if scheduled - are closed to all individuals who are not directly involved in the proceedings.

3. Each Party is entitled to present his or her views and all evidence relevant to the issues of guilt and sanction. Each Party may be represented by a legal representative at the procedure. Members of the Grievance Committee may ask any questions they please. The Parties concerned shall not question one another directly.

4. The Grievance Committee shall determine the weight given to all evidence.

### **Article 33.4 Decision**

1. The decision of the Grievance Committee is taken by a simple majority of the members present when a quorum is present, within 8 working days of the conclusion of the hearing.

2. The decision of the Grievance Committee may consist of (1) a confirmation of the decision of the Disciplinary Committee; (2) amendment of (overturning) the decision of the Disciplinary Committee; (3) rejection of the appeal; (4) ordering the Disciplinary Committee to repeat its procedure instructing the Disciplinary Committee concerning its fact-finding, evidence gathering etc. activities.

3. The decision shall be delivered in writing to the Parties concerned within the deadline of section 1 hereinabove.

### **Article 33.5 Challenge in court**

Students may challenge the decision of the Grievance Committee in court in line with the provisions of HEA. In this case the decision shall not be final and enforceable according to HEA.

Employees may challenge the decision of the Committee in court together with the measure of the Employer based on the decision of the Committee.

### **Article 33.6**

#### **Simplified procedures**

- a) Should Unit Heads and Key Officers become aware of a matter or case, they may endeavor to settle it according to the provisions of the present Code in an informal, amicable manner (*motu proprio* initiation).
- b) Anyone may initiate a simplified procedure by addressing a Unit Head or a Key Officer directly or indirectly orally or in writing but no simplified procedure may be initiated provided that Disciplinary Proceedings are already in progress except if a complaint is referred by the Chairperson of the Disciplinary Committee for a simplified procedure under Article 26.1.
- c) Unit Heads and Key Officers are required to proceed with a high degree of professionalism, on the basis of trust, with informality, confidentiality and with a sense of urgency and applying the general principles of this Code.
- d) In these procedures, Unit Heads and Key Officers are competent to apply immediate measures under Annex 5 Section 1 (a)-(e) and Section 2 (a)-(b) and sanctions under Annex 7 Section 1 (a)-(b), Section 2 (a)-(d) and Section 3 (a)-(c).
- e) If both the Complainant and the Respondent recognize the outcome of the effort as an adequate response to the complaint, no further procedure under the Code is needed. If either the Complainant or the Respondent recognize the outcome of the effort as an

inadequate/unacceptable response to the complaint, the Complainant can insist that his/her complaint be forwarded to the Disciplinary Committee and a full procedure be carried out or the Respondent can make a complaint at the Disciplinary Committee against the findings/measures taken by the Unit Head or Key Officer - in both cases within 8 days of the receipt of the minutes or protocol. Such complaint in itself does not affect the validity of the decisions taken by the Unit Head or Key Officer proceeding under this Article 33.6.

- f) In all cases the Unit Head or Key Officer proceeding in the matter or case, needs to contemporaneously draw up minutes or a protocol to be signed – if possible – by the Complainant and the Respondent. The minutes/protocol shall be forwarded to the Chair of the Disciplinary Committee, who shall file them in the Committee records, within 5 working days of the completion of the matter.

Articles 14, 16 and 17 shall apply *mutatis mutandis*.

## **PART VI**

### **FINAL PROVISIONS**

#### **Article 34**

##### **Entry into Force**

1. The Code shall enter into force eight days after adoption by the Senate. The Code shall be public and copies distributed to each current member of the University Community.

2. Amendments and annexes to the Code adopted by the Senate and ratified by the Board will enter into force one day after their publication and distribution to the members of the University Community.

3. Each new Student shall receive a copy of the Code and its amendments and annexes upon matriculation. Each new Contractor, Employee or Other shall be given a copy of the Code and its amendments upon taking up employment / concluding a contract with a CEU Group entity. The Code, its amendments and annexes shall be expressly incorporated into the terms of all employment agreements with all CEU Group entities. Each prospective Student, Employee, Contractor and Other shall be informed of the existence of the Code and its amendments. A copy of the Code and its amendments shall be made available to each prospective Student, Employee, Contractor and Other upon request.

4. At the beginning of each academic year, the names and contact information of the members, chairpersons and deputy chairpersons of the Disciplinary Committee and the Grievance Committee of the University will be publicly posted and published in a form available to Students, Employees, Contractors and Others.

5. The Disciplinary Committee and the Grievance Committee from time to time shall have the ability to implement and clarify the guidelines of the Code pursuant to the CEU Group's regulations.

#### **Article 35**

##### **Status of Annexes**

1. The annexes to this Code shall form an integral part of this Code.

2. A reference to this Code constitutes at the same time a reference to any annexes thereto.

3. All annexes that were passed prior to or after the implementation of this Code shall be incorporated herein as part of the Code.

## **Article 36**

### **Amendments**

In accordance with the relevant procedural requirements, the Disciplinary Committee and the committees established by the Senate from time to time to address policy issues are entitled to further define the categories of general misconduct or procedures for handling complaints, deemed necessary in order to respond to the changing needs of the University Community, which may take the form of a modification to the body of this Code, or be incorporated as part of the Code in the form of annexes. Any such modifications, amendments or annexes must be approved by the Senate and ratified by the Board.

## **Article 37**

### **Periodic review**

This Code shall be reviewed with 36 Months of its adoption by University counsel and a committee appointed by the Senate based on the practice and jurisprudence of the Disciplinary and Grievance Committees and changes in legislation.

## **Article 38**

### **Flow chart**

The flow chart of the procedures under this Code shall be attached to this Code as Annex 8 (Code of Ethics Flow Chart).

## **Article 39**

### **Temporary application**

While the CEU Group is elaborating a new policy on sexual and other harassment and on discrimination – likely to be discussed and accepted in 2013 -, the existing policy on sexual harassment (Section on sexual harassment Approved by University Senate, 25 July 1997, Revised 26 February 1999) and discrimination (Central European University Non-Discrimination Policy) will apply.

Signed by *CEU President and Rector Shalini Randeria*.

The original document is filed at the Office of the Academic Secretary.

**Annex 1  
Complaint Form**

**To:** Disciplinary Committee of the Central European University

**From:** [Name and Position, Department/Unit]

**Name of alleged respondent(s):**

**Status of alleged respondent(s) in line with the Code (please circle)**

Student

Employee

Other

Contractor

**Suspected violation of the Code of Ethics :**

(a) Provisions of the Code alleged to have been breached (please specify one or more of the forms of misconduct indicated in Annex 4 to the Code)

(b) Description of the alleged conduct: Please describe in as much detail as possible the alleged misconduct. Please include dates and locations. Use extra space/pages if needed;



- (c) Description of any potential evidence (such as documents, emails, social media posts etc.). Available evidence may be attached to this form.

- (d) Names and position of any potential witnesses.

**Other remarks:**

- Please note if you feel there are immediate measures required and what type (see Article 12 and Annex 5 to the Code).
- Please also note if you are concerned regarding potential conflict of interests under the Code (see Article 22).
- You may also use this section to indicate what sanction you feel is appropriate in this case.
- Please include any other comments here you feel the Committee should be aware of.

I, the undersigned declare that I have submitted the present complaint after reading and understanding the Code of Ethics of Central European University.

[NAME AND DATE/SIGNATURE]

**Annex 2**  
**Appeal Form**

To: Grievance Committee of the Central European University

Reference (number and date of the decision of the Disciplinary Committee)

From: [NAME AND POSITION, DEPARTMENT OF THE APPEALANT]

Appeal:

(a) description of the reasons for bringing an appeal;

(b) decision requested (in line with the Code of Ethics)

Other remarks (conflict of interest, legal representation etc.)

Undersigned declare that I have submitted the present complaint after reading and understanding the Code of Ethics of the Central European University.

[NAME AND DATE/SIGNATURE]

## **Annex 3**

### **Clause to be included heretofore into all contracts to be concluded by the CEU Group entities:**

Agent/Supplier declares to have received, read and understood the Code of Ethics of the Central European University and accepts its binding effect. Agent/Supplier declares to accept the jurisdiction of the officers and committees of the Central European University implementing the Code of Ethics.

## **Annex 4**

### **MISCONDUCT**

#### **1. ACADEMIC DISHONESTY**

Academic **dishonesty** involves acts which may subvert or compromise the integrity of the educational process at the CEU Group. Acts of academic **dishonesty** include, but are not limited to, accomplishing or attempting any of the following acts:

##### **1.1 Acts of forgery or fabrication, including:**

- (a) Altering of grades or official records, falsifying or committing forgery on any university form or document;
- (b) Submitting altered or falsified data as experimental data from laboratory projects, survey research, or other field research.

##### **1.2 Acts of cheating, including:**

- (c) Using any materials (e.g. textbooks, cheat-sheets, SMSs) that are not authorized by the instructor for use during an examination;
- (d) Copying from another student's paper during an examination;
- (e) Collaborating during an examination with any other person by giving or receiving information without the specific permission of the instructor;
- (f) Stealing, buying or otherwise obtaining restricted information about an examination to be administered;
- (g) Collaborating on laboratory work, take-home examinations, homework or other assigned work when instructed to work independently;
- (h) Substituting for another person or permitting any other person to substitute for oneself in taking an examination.
- (i) Submitting of identical or in part identical assignments by two or more students;
- (j) Submitting work that has been previously offered for credit in another course, except with prior written permission of the instructors of both courses.
- (k) Submission of a thesis or dissertation that has been previously submitted at another university/program, in English or in another language.

##### **1.3 Acts of plagiarism, including:**

- (l) Representation of the work of others as one's own, by offering of the words, ideas, or arguments of another person without appropriate attribution through quotation, reference or footnote, whether intentional or not;

- (j) Submitting as one's own any theme, hypotheses, report, term paper, essay, other written work, or speech, written or prepared totally or in part by another person;

Plagiarism occurs both when the words of another are reproduced without acknowledgment, and when the ideas or arguments of another are paraphrased in such a way as to lead the reader to believe that they originated with the writer. This also refers to the use of unauthorized aids or another person to write a paper or take an exam without permission ("ghostwriting"). It is the responsibility of all students to understand the methods of proper attribution and to apply those principles in all materials submitted.

Specific recommendations for handling plagiarism are included in the CEU's Policy on Plagiarism. In cases of a disciplinary proceeding because of plagiarism, the body to act in the first instance is the academic unit's Committee on Academic Dishonesty as spelled out in the CEU's Policy on Plagiarism. In plagiarism cases the present Code shall only be applicable in cases which cannot be clarified under the CEU's Policy on Plagiarism.

#### **1.4 Other acts of academic dishonesty:**

- (a) Deliberate mis-shelving, hiding, damaging or theft of library materials;
- (b) Improper use of library facilities to advantage one's academic position, nuisance to other users, and undue delay in returning materials promptly when asked to do so;
- (c) Improper use of the computer facilities, including misappropriation of another user's data, password or software, illegal copying of computer programs and games at the expense of the University, disregard for the finite capacity of the system, unreasonable interference with the activity of other users, and any attempt to subvert or obstruct the operation of any computer or network system;
- (d) Sabotaging of another student's work;
- (e) Committing any willful act of dishonesty that interferes with the operation of the academic process;
- (f) Complicity, facilitation or aiding in the commission of any of the above-mentioned acts of academic dishonesty;

## **2. OTHER FORMS OF MISCONDUCT**

- a) Knowing disclosure of false information to or about the CEU Group or to other academic institutions
- b) Spreading of false allegations about a member/members of the CEU Community with the intent to or with wilful disregard for the damage to that individual's/group's reputation;
- c) Academic deception, including falsification of letters of recommendation and misrepresentation of a person's academic accomplishments;
- d) Verbal or physical threat to a member of the University Community;
- e) Conduct which threatens or damages the personal safety or health or assets of others;
- f) Bullying or other repeated threatening conduct against others;
- g) Abuse of another's property, including theft, vandalism or temporary or permanent appropriation of another's property, undue interference with CEU Group functions, and unauthorized use of CEU Group facilities or entry into or occupation of University Premises;
- h) Discrimination or harassment based on race, color, religion, national origin, disability, age, gender, sexual orientation, or any other form of discrimination prohibited by law;
- i) Sexual harassment as defined in the Sexual Harassment Policy;
- j) Other types of harassment or discrimination as defined in other University policies;

- k) Breaches of public or private law when the interests of the University Community or one of its members as defined in this Code are adversely affected;
- l) Retaliatory conduct against any individual who has filed a complaint, who has reported witnessing an offense, or who has participated in a complaint procedure. Retaliatory conduct is any action that materially affects an individual's professional or academic standing or terms and conditions of employment. Retaliatory conduct may also be harassment under the Harassment Policy.
- m) Making of false accusations with the intent of harming or retaliating against another member of the University Community.
- n) Failure of a member of the Disciplinary Committee to inform the chairperson of the Disciplinary Committee about a complaint lodged with him or her;
- o) Disclosure of confidential documents to any unauthorized person including any material related to proceedings of the Disciplinary Committee such as fact finding reports, minutes, complaint forms, emails or other such materials.;
- p) Complicity in the commission of any of the above-mentioned acts;
- q) Other misconduct that in the judgment of the Disciplinary Committee seriously deviates from standards of the academic community;
- r) Buying grades or degrees and attempting to do so. Employees and other members of the CEU Community shall never offer or grant any grades, degrees or favourable treatment in return of private or business advantages, irrespective of whether they are of a monetary **or** non-monetary nature.

### **Ongoing offences**

Ongoing offences are offences which are either repeatedly committed or where the “results” (such as a title or a mark) of a violation (such as plagiarism or cheating etc.) are used or abused by the person who perpetrated the violation.

## **Annex 5**

### **Immediate Measures**

1. Without prejudice to Article 33.6. for any suspected violation of this Code by Students, any of the following immediate measures may be imposed upon Students:

- (a) Confiscation of prohibited items (e.g. drugs, alcohol, or any instrument used in a threatening manner or for violating the rules of this Code) and transfer of such items to law enforcement;
- (b) Oral reprimand;
- (c) Written reprimand;
- (d) Temporary expulsion from all or certain university premises (including the Dormitory);
- (e) Deprivation of certain privileges (including e.g. loss of e-mail access, deleting users' files, blocking programs, using university computers);
- (f) Suspension of a grant or donation;
- (g) Restraining orders (such as a request not to enter the premises or not contact a certain person);
- (h) Suspension of student status
- (i) Restriction from sharing or circulating information regarding a procedure under this Code.

The chair of the Disciplinary Committee may impose any of the above listed immediate measures following consultation with the University counsel.

2. Without prejudice to Article 33.6. for any suspected violation by Employees of this Code, any of the following immediate measures may be imposed upon Employees:

- (a) Oral reprimand;
- (b) Written reprimand;
- (c) Restraining orders (in case of suspected sexual or other threats or harassment of employees or students);
- (d) Suspension of a grant or donation;
- (e) Suspension of employment status with pay
- (f) Restriction from sharing or circulating information regarding a procedure under this Code.

The Key Officer exercising employers' right in case of the Employee after consultation with the chair of the Disciplinary Committee or the Unit Head may impose any of the above listed immediate measures following consultation with the University counsel.

3. Without prejudice to Article 33.6. for any suspected violation of this Code by Contractors and Others the chair of the Disciplinary Committee may impose any of the following immediate measures upon Contractors and Others following consultation with the University counsel:

- (a) Temporary expulsion from all or certain University Premises (including the Dormitory);
- (b) Written notice;
- (c) Suspension of performance of a contract.

Immediate measures against Contractors and Others may only be imposed upon confirmation by University Counsel, that such immediate measures are consistent with the terms and conditions of the governing law and the contract.

## **Annex 6**

### **Competencies**

1. The Disciplinary Committee is competent to:
  - (a) determine if a complaint has prima facie merit;
  - (b) collect evidence relating to the complaint;
  - (c) impose immediate measures;
  - (d) conduct disciplinary hearing(s);
  - (e) make a decision on a complaint;
  - (f) forward its documents to the Grievance Committee in case of an Appeal.
  
2. The Grievance Committee is competent to:
  - (a) determine if an Appeal has prima facie merit;
  - (b) conduct hearing(s) if it finds it necessary;
  - (c) make a decision on the legality and conformity with the bylaws of the Appeal.

This is without prejudice to Article 33.6.

## **Annex 7**

### **Sanctions**

1. Without prejudice to Article 33.6. for any violation of this Code by Students, the Disciplinary Committee may impose any of the following sanctions upon Students following consultation with the University Counsel:

- (a) Oral reprimand;
- (b) Written reprimand;
- (c) Revoking a grant, reclaiming a donation;
- (d) Temporary ban from continuing university studies for a maximum of 2 years;
- (e) Deprivation or cut of certain benefits such as access to certain CEU facilities, CEU email or CEU residence centres, or financial grants or benefits;
- (f) Exclusion from the University.
- (g) Proposal to the Rector that a Degree be rescinded in cases of alumni found to have committed serious academic misconduct in obtaining their degree.

2. Without prejudice to Article 33.6. for any violation by Employees of this Code, the Disciplinary Committee - in consultation with the HRO and the University Counsel - may impose any of the following sanctions upon Employees following consultation with the University Counsel:

- (a) Oral reprimand;
- (b) Written reprimand;
- (c) Recommendation to the competent board to revoke a grant, or reclaim a donation;
- (d) Recommendation to the person exercising employer's rights over the employee to impose labor law sanctions.

The measures taken by the Disciplinary Committee are not considered as Employer's measure.

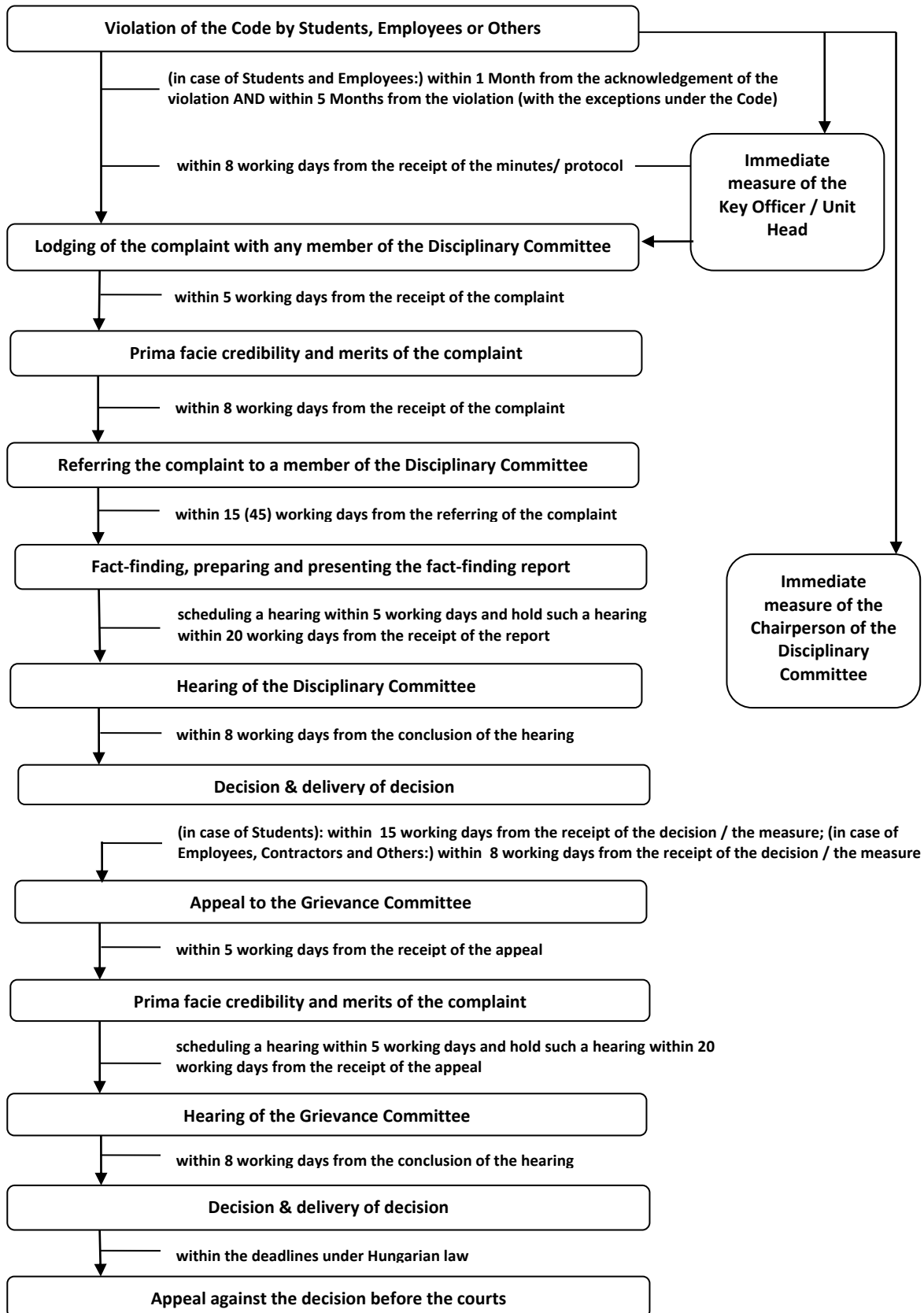
In case of a sanction under 2 c) and d) above the documents submitted, the record and hearings taken by the Disciplinary/Grievance Committee shall be made available to the person exercising employer's rights over the Employee for measures to be taken by the employer in line with governing law.

3. Without prejudice to Article 33.6. for any violation of this Code by Contractors and Others, the Disciplinary Committee may impose any of the following immediate measures upon Contractors and Others following consultation with the University Counsel:

- (a) Request to the University management to renegotiate the contract;
- (b) Request to the University management to terminate the contract;
- (c) Other sanction(s) appropriate to address the act of misconduct.

## Annex 8

### Code of Ethics Flow Chart





<b>Document information</b>	
<b>Type</b>	Policy
<b>Number</b>	P-1009-1 v 2201
<b>Title</b>	Code of Ethics of Central European University
<b>Distribution</b>	Public
<b>Filename</b>	P-1009-1 v 2201 Code of Ethics
<b>Related documents</b>	Equal Opportunity Policy, CEU's Policy on Plagiarism
<b>For final documents</b>	
<b>Approved by:</b>	Senate
<b>Date of approval</b>	November 23, 2012
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