



აკაკი წერეთლის  
სახელმწიფო უნივერსიტეტი

წარმომადგენლობითი საბჭო

BOARD OF REPRESENTATIVES OF AKAKI  
TSERETELI STATE UNIVERSITY

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**Resolution of the Board of Representatives of  
Legal Entity of Public Law- Akaki Tsereteli State University**

**№ 61**

**On approving the Code of Ethics of  
“Legal Entity of Public Law - Akaki Tsereteli State University”**

Kutaisi

February 23, 2016

According to the article 13, paragraph “b” of the Resolution approved by the Order №132/n of the Minister of Education and Science of Georgia, dated by September 9, 2013 on approving the Regulations of the Legal Entity of Public Law (LEPL) - Akaki Tsereteli State University, Representative Board of Akaki Tsereteli State University ascertains:

1. The Code of Ethics of the Legal Entity of Public Law – Akaki Tsereteli State University shall be approved (the Code is attached).
2. The Resolution shall be located on the university website and the university notice board in the public place, in an open form so that to ensure it is transparent and available to everyone interested in it.
3. The Resolution shall be in force immediately after its announcement.

Speaker of the Representative Board:

Prof. Sulkhan Kuprashvili

Annex

Approved:

By the Resolution №6 of February 23, 2016  
of the Board of Representatives of  
Akaki Tsereteli State University

## **The Code of Ethics of the Legal Entity of Public Law - Akaki Tsereteli State University**

### **Chapter I. General Provisions**

**Article 1.** The Code of Ethics (hereinafter – the “Code”) of the Legal Entity of Public Law - Akaki Tsereteli State University (hereinafter – the “University”) is designed in accordance with the Law of Georgia on “Higher Education”, the Code of Labour of Georgia, the Statute of the University (hereinafter - the “University Statute”) and other legislative and statutory acts.

**Article 2.** The Code of Ethics shall define the obligatory norms of behavior at the university, the terms of disciplinary infraction for abusing the obligatory norms and procedures and rules for disciplinary proceedings.

**Article 3.** The Code of Ethics shall be drawn up and approved by the Board of Representatives. The Code of Ethics or its part shall be declared void or invalid, and changes in the Code and/or amendments made by the University Representative Board.

**Article 4.** The University Code of Ethics is based on the principle of academic freedom that involves:

- a) The right of the academic staff and students to carry out scientific research independently;
- b) The right of the academic staff and students to carry out teaching process independently;
- c) The right of the academic staff and students to carry out learning process independently.

**Article 5.** Restriction of the academic freedom is only possible in the following cases:

- a) For the purpose of the freedom of scientific research – in defining organizational issues and priorities;
- b) For the purpose of the freedom of teaching – in defining organizational issues of the learning process, in the issues of approving lecture schedules and training course programs;
- c) For the purpose of the freedom of learning – in organizing the learning process and assuring high quality learning.

## **Article 6. Goals of the University Code of Ethics**

1. The University Code of Ethics is a legal act to support the goals of the University.
2. The University Code of Ethics supports:
  - a) by promoting the values of Georgian and world culture, oriented towards the ideals of democracy and humanism necessary for the existence and development of the civil society:
    - a.a.) by implementing educational programs, according to modern standards of higher education, relevant to a person's interests and capabilities, preparation of highly qualified specialists provided by getting professional higher academic education;
    - a.b.) Development of science, creation of the conditions for scientific research; training and retraining new scientific personnel; realization of personal potential and development of creative skills; satisfying the requirements of a person for qualification raising and retraining.
    - a.c.) Academic freedom of the personnel and students; participation of the academic personnel and students in decision making; equal treatment, regardless of the ethnicity of a person, sex, social origin, political or religious views, etc.

## **Chapter II. The Scope of the University Code of Ethics**

**Article 7.** This Code applies to the university students, academic, administrative, and support personnel who have not occupied academic or teacher's position, in order to participate in study or/and scientific-research process or/and for the purpose of conducting this process, to invited personnel possessing the relevant qualification, teachers, as well as to persons holding the status of listeners and free listeners. The Code of Ethics regulates the rules of their conduct for the entire period of study and work at the university. The University Code of Ethics also involves the norms, which regulate the case of a student violating the norms of ethics and the relevant disciplinary proceedings.

**Article 8.** For the purposes of this Code, a person is recognized as a student according to the Law of Georgia on "Higher Education", who studies at the university to pursue Bachelor's, Higher Vocational Education, Master's or Doctorate Program;

**Article 9.** This Code applies to a person studying at any centre of the university and after the completion of studies, he/she is envisaged to be granted with the relevant certificate; also - a person who is undergoing training at any centre of the university. These persons are subject to the norms established by this Code for the university student.

## **Chapter III. General Norms of Student Ethics**

**Article 10.** The university student is obliged to follow the norms of ethics. Violation of the norms of ethics by the university student leads to the responsibility in accordance with the established rule.

**Article 11.** Unethical behavior (violation of the norms of ethics) of a student shall be

considered the following:

- a) Hindering the process of learning (making a noise at the lecture and in the corridor, using a mobile phone at the lecture and etc.);
- b) Smoking tobacco on the university premises, except for the place allowed for that;
- c) Bringing, dissemination and/or consumption of alcoholic, narcotic or psychotropic means in the university building and the university area;
- d) Arrangement and participation in gambling and other entertainment games on the university area (on the university premises);
- e) Violation of the rule for using the inventory (making inscriptions on desks, damaging computers, laboratory equipment, training furniture and inventory);
- f) Littering the university premises, distortion of the look of the building, damaging the plants;
- g) Obscenity (using vile, rude, obscene, lewd words, lewd speech).
- h) Bringing and/or spreading such explosive and flammable items and substances to the university premises that create a real threat of fire and/or explosion;
- i) Violence, physical and or verbal abuse against other students, academic, administrative and support personnel, teachers, as well as invited specialists with relevant qualifications;
- j) Falsification of the university data;
- k) Improper use of the university internet resources;
- l) Forgery, namely:
  - l.a.) Rewriting from other student's work or using other kinds of support materials that are prohibited by the university;
  - l.b.) Representing other person's work as his/her own property;
  - l.c.) Hindering other students' learning and research process by hiding, stealing damaging or destroying the necessary resources;
  - l.d.) Facilitating other students in conducting academic fraud;
  - l.e.) Falsification of the information about a research work;
  - l.f.) Preparing individual tasks in groups or representing a task prepared by one person as a group work;
  - l.g.) Plagiarism (total or partial misappropriation of another's copyright and neighboring rights, which also means using the work created as a result of other's intellectual creative activity or the source of invention without referring to the author and using it in his own name;
  - l.h.) Taking an exam instead of another student, or sending in another person to pass an exam;
  - l.i.) Obtaining and/or disseminating confidential information about the exam;
  - l.j.) Stealing, destroying, and replacing another student's work;
  - l.k.) Attempting to get an assessment by putting pressure on the examiner;
  - l.l.) Use of the university title, logo or other attributes for personal or group purposes without the consent of the university management bodies;
  - l.m.) Violation of the applicable law, which led to the discreditation of the university.

#### **Chapter IV. General Norms of Ethics for the University Administrative Personnel, Academic Staff, University Teachers and Invited Specialists in the Relevant Fields**

**Article 12.** The administrative staff of the university, the academic personnel, as well as the teacher, the invited specialist without the academic position is obliged to follow the norms of ethics. Violation of the norms of ethics by the university academic personnel leads to the responsibility in accordance with the established rule.

**Article 13.** Non-ethic behavior (violation of the norms of ethics) from the part of the university administrative staff, academic personnel, also by the teacher and invited specialists without the academic position shall be considered the following:

- a) Misbehavior leading towards discrediting the university regardless of its place or form;
- b) Receiving a gift from a physical or legal entity with whom he/she has a collegial relationship or from a person who is related to the study process;
- c) Entrepreneurial activity personally or through a representative on the university territory or premises; as well as providing protection to the other person in this respects;
- d) Hindering the study process (making a noise at the lecture and in the corridor, using a mobile phone at the lecture and etc.);
- e) Smoking tobacco on the university premises, except for the place allowed for that;
- f) Bringing, dissemination and/or consumption of alcoholic, narcotic or psychotropic means in the university building and the university area;
- g) Arrangement and participation in gambling and other entertainment games on the university area (on the university premises);
- g) Littering the university premises, distorting the look of the building, damaging the plants;
- g) Obscenity (using vile, rude, obscene, lewd words in speech);
- h) Bringing and/or spreading such explosive and flammable items and substances to the university premises that create a real threat of fire and/or explosion;
- i) Violence, physical and or verbal abuse against other students, academic, administrative and support personnel, teachers, as well as invited specialists with relevant qualifications; any citizen present at the university territory or premises;
- j.) Violation of the existing legislation, which is directed towards discrediting the university;
- k) Academic forgery, namely:
  - k.a.) Representing other person's work as his/her own property;
  - k.b.) Hindering the learning and research process by hiding, stealing damaging or destroying the necessary resources;
  - k.c.) Facilitating other persons in conducting academic fraud;
  - l.d.) Falsification of the information on research work;

l.e.) Plagiarism (total or partial misappropriation of another's copyright and neighboring rights, which also means using the work created as a result of other's intellectual creative activity or the source of invention without referring to the author and using it in his own name;

l.f.) Self-plagiarism (using his/her own work repeatedly without referring to the original source);

l.g.) Falsification of the data, information or citation in the academic work (forgery).

**Article 14.** Unethical behavior (violation of the norms of ethics) by the university administrative staff, academic personnel, as well as by the teacher and invited specialist without academic position will also be considered the following:

a) Non-collegial attitude, which implies encroachment of the academic independence of the colleague; a person is obliged to evaluate the colleague's activities and works fairly and objectively in this respect; criticism towards the colleague should be reasonable and constructive; it is inadmissible to make harsh and unacceptable comments on the colleague and to humiliate and insult him/her;

b) Disrespecting the university support personnel; humiliation or/and other forms of abuse;

c) Disrespecting the university student; humiliating the student or other forms of abuse;

d) Violation of the applicable legislation that caused discrediting the university.

## Chapter V. General Norms of Ethics for the Support Personnel

**Article 15.** The university support staff is obliged to follow the norms of ethics. Violation of the ethics norms by the support staff of the university leads to the responsibility in accordance with the established rule.

**Article 16.** Unethical behavior (violation of the norms of ethics) of the support personnel shall be considered:

- a) Hindering the process of learning (making a noise, using a mobile phone in the auditorium where a lecture is taking place and etc.);
- b) Smoking tobacco on the university premises, except for the place allowed for that;
- c) Bringing, dissemination and/or consumption of alcoholic, narcotic or psychotropic means in the university building and the university area;
- d) Arrangement and participation in gambling and other entertainment games on the university area (on the university premises);
- e) Violation of the rule for using the inventory (making inscriptions on desks, damaging computers, laboratory equipment, training furniture and inventory);
- f) Littering the university premises, distortion of the look of the building, damaging the plants;
- g) Obscenity (using vile, rude, obscene, lewd words in speech);
- h) Improper use of the university internet resources and violation of the rule for using the internet;
- i) Bringing and/or spreading such explosive and flammable items and substances to the university premises that create a real threat of fire and/or explosion;
- j) Violence, physical and or verbal abuse against other students, academic, administrative and support personnel, teachers, as well as invited specialists with relevant qualifications;
- k) Misbehavior, which is directed towards discrediting the university irrespective of the place of its occurrence and its form;
- l) Receiving a gift from a physical or legal entity with whom he/she has a collegial relationship or from a person who is related to the work duties;
- m) Entrepreneurial activity personally or through a representative on the university territory or its premises; as well as providing protection to the other person in this respects;
- n) Non-collegial attitude that implies unfair criticism towards a colleague, humiliation or abuse;
- o) Disrespectful attitude towards other staff of the university; humiliation and / or other form of insult;
- p) Disrespecting the university student; humiliating the student or other forms of abuse;
- q) Playing computer games at the university and misuse of internet resources.





**Chapter VI. Conditions of disciplinary misconduct and disciplinary procedures  
for the violation of the mandatory norms of behavior as  
defined by the University Code of Ethics**

**Article 17.** The obligatory norms of behaviour defined by the University Code of Ethics are mandatory. Violation of the norm is a disciplinary misconduct.

**Article 18.** Due to the violation of the norms of the Code of Ethics, the university personnel may be subject to the disciplinary liability (measure). The disciplinary liability (measure) must comply with the status of the person who violates the Code of Ethics, the quality and severity of the violation.

**Article 19.** Disciplinary proceedings shall be carried out on the fact of violation of the University Code of Ethics. The university disciplinary proceedings shall be conducted by the University Ethics Commission, and the proceeding on the case of violating the Code of Ethics by a student, shall be conducted by the relevant Faculty Board.

**Article 20.** The activities of the Ethics Commission do not apply to the student. Herewith, the rule of Ethics Commission activities established by this Code can not be extended by the Faculty Board to conduct a disciplinary case against the student.

**Chapter VII. The University Ethics Commission**

**Article 21. Composition of the University Ethics Commission:**

1. The University Ethics Commission consists of five members, one of whom shall be elected by the University Academic Council, one - by the University Board of Representatives, one shall be elected by the university Rector, one – by the head of the University Administration, and one shall be elected by the University Student Self Government. Only a representative from the university staff can become the member of the University Ethics Commission.
2. At the time of electing/ appointing members of the University Ethics Commission, the relevant management bodies of the university and student self-government elect / appoint a reserve member of the Ethics Commission.
3. A member of the University Ethics Commission is elected (appointed) for a 2 –year term. A member of the University Ethics Commission can be elected only twice (appointed) in a row. Prior to the election of a member of the Commission (before the appointment), his written consent is required.
4. The composition of the University Ethics Commission is approved by the Rector of the University.
5. The University Ethics Commission is headed by the Chairman. The Chairman of the University Ethics Commission shall be elected by the majority of the members of the Commission. The University Ethics Commission is authorized to make a decision if it is attended by at least three members of the Commission.
6. Activities of the University Ethics Commission are free of charge and shall not be

compensated.

7. A member of the University Ethics Commission shall not be:

- a) The Rector of the university;
- b) The Head of the University Administration;
- c) A member of the University Academic Council;
- d) Administrative personnel of the university;
- e) A member of the University Board of Representatives.

8. A member of the University Ethics Commission shall not be a person who had been the subject of disciplinary liability for the past two years.

9. The grounds for releasing from the membership of the Ethics Commission are as follows:

- a) Personal Statement;
- b) Dismissing from the university (work);
- c) Disclosure of confidential information about disciplinary proceedings;
- d) Committing a disciplinary misconduct;
- e) Expiration of the term of authority.

10. The basis for dismissal from the membership of the Ethics Commission can be a violation of the University Ethics Norms.

11. The decision on dismissal from the membership of the Ethics Commission shall be made by the relevant management body of the university and student self-government based on the documents and materials presented. In case of early dismissal of a member of the Commission, the Commission shall be amended with a reserve member, and in case of his/her absence, the relevant management body of the university or student self-government shall elect / appoint a new member of the Commission no later than 1 week.

#### **Article 22. Principles of the University Ethics Commission**

1. The Ethics Commission is guided by the principles of lawfulness, collegiality, equality and independence in its activities.

2. The Ethics Commission shall consider a disciplinary case impartially and objectively, on the basis of the principles of equality of parties and competition.

3. The sessions of the Ethics Commission are open and information related to the hearing of the disciplinary case is public. The question of closing the session and the confidentiality of the information shall be solved by the reasonable decision of the Ethics Commission on the basis of the motivated motion of the party, as well as if it is necessary for the interests of protecting the state secrets. The member of the Ethics Commission and the person submitting a disciplinary prosecution shall be obliged to observe the confidentiality of this information.

#### **Article 23. Chairperson of the Ethics Commission**

1. The Chairperson of the Ethics Commission:

- a) Leads and manages the activities of the Commission;
- b) Submits to the Commission the Rules of Procedure of the Commission for approval;
- c) Distributes the functions among the members of the Commission in accordance with the established Rules of Procedure;

- d) Submits to the Commission the candidacy of the Secretary;
  - e) In the manner prescribed by the Rules of Procedure, invites the Commission, leads its sittings, and signs the decision and the protocol of the sitting;
  - f) Exercises other powers provided by the Rules of Procedure.
2. The Chairperson of the Ethics Commission shall submit a report to the Academic Council once a year.
  3. In the absence of the Chairperson or in case of inability to perform his/her duties, the Commission is lead by one of its members on the assignment of the Chairman, if there is not such assignment, the Commission shall be headed by the eldest member.

**Article 24. Secretary of the Ethics Commission**

1. The secretary of the Ethics Commission shall be elected from the members of the Commission for a term of 2 years.
2. The Secretary of the Ethics Commission:
  - a) Carries out preparatory activities for the Commission sessions;
  - b) Organizes proceedings of the protocols of the Commission meetings and their forming;
  - c) Signs the documents according to the rule established by the Standing Orders of the Commission;
  - d) **Organizes official dispatching of the documents of the Commission.**

**Article 25. The Place of the Discussion of the Ethics Commission Activities and Disciplinary Case**

1. The place of the Ethics Commission activities shall be determined by the order of the University Rector.
2. The Ethics Commission discusses the disciplinary case in the specially allocated auditorium. It is prohibited to hold the disciplinary hearing in other place except for the auditorium. Allocation of an auditorium shall be provided by the Head of the University Administration.

**Article 26. The scope and terms of considering a case by the Ethics Commission**

1. The Ethics Commission shall not have the right to go beyond the scope of disciplinary misconduct determined by the Code of Ethics of the University. Likewise, the collegium shall have no right to make the facts or circumstances that are not directly related to the disciplinary misconduct determined by the Code of Ethics of the University the main subject of consideration at the commission sitting.
2. The Ethics Commission shall examine a disciplinary case within a month after its adoption.

**Article 27. The grounds for commencing disciplinary proceedings due to violations of the University Code of Ethics**

The basis for initiating disciplinary proceedings against the university staff can be:

- a) Complaint or application of an interested person or management body, except for anonymous complaint or application;
- b) Information disseminated by mass media about the actions of the university staff which may be considered as a disciplinary offense;
- c) Detecting a fact of disciplinary misconduct or the circumstance that causes a doubt that the university staff has committed a disciplinary violation in accordance with the Code of Ethics of the University.
- d) Submission of the Ethics Commission on the initiation of disciplinary persecution against the university staff on new grounds.

**Article 28. The Complaint**

1. The complaint must be in written form. The author of the complaint can use the application form approved by the University Ethics Commission.
2. The complaint must contain:
  - a) The identity, address and contact information of the applicant (phone number, fax, e-mail);
  - b) The identity, address, contact information (phone number, fax, e-mail) of the applicant's representative, if any;
  - c) The identity of the university staff (colleague), against whom the complaint is filed.

- d) The applicant's request;
  - e) The circumstances on which the request is based on;
  - f) A list of documents attached to the complaint if they are enclosed, as well as information about the identity of the witnesses, if they can confirm the circumstances indicated in the complaint;
  - g) The applicant's signature;
3. The applicant may indicate the address and contact information (telephone number, fax, e-mail) of the university staff (employee) if it is known to him.
  4. The applicant must submit all the available evidence to the Ethics Commission, confirming the circumstances referred to in the complaint.
  5. The complaint shall be attached to the document and formed in accordance with the legislation confirming the authority of the representative, if the complaint is filed by the representative in the Ethics Commission.
  6. The complaint and attached documents submitted to the Ethics Commission shall be submitted in 5 copies.

#### **Article 29. Registration of the Complaint**

1. According to the rule established by the legislation, the complaint must be registered in the Chancellery of the University and submitted to the Ethics Commission on the same day.
2. The Ethics Commission is obliged to register the complaint on the day of its acceptance and indicate the date and number of registration.
3. The complaint shall be handed to the Chairperson of the Ethics Commission or in case of his absence, to the member of the Ethics Commission authorized by the Commission, who will deliver the complaint to all members of the Ethics Commission within 5 days.
4. One of the copies of the complaint, together with the attached documentation, shall be handed over to the person against whom the complaint is filed. The complaint must be submitted to this person 5 days prior to the Commission sitting.

#### **Article 30. Refusal to the first review of the complaint**

The Ethics Commission shall terminate the proceedings on the complaint and, subsequently, the complaint shall not be reviewed if:

- a) The complaint does not belong to the competence of the Ethics Commission;
- b) The complaint is filed by an incapable person;
- c) The complaint is filed by a person who has no right to lodge a complaint;
- d) On behalf of the interested person, the complaint was filed by a person, who has no right to administer the case;
- e) The Ethics Commission is considering a disciplinary case on the same matter, on the same basis;
- f) There is a decision of the Ethics Commission on the same issue;
- g) The complaint does not contain mandatory requisites defined by this Code.

**Article 31. Conducting a case through the representative**

1. Parties have the right to participate in a disciplinary case through a representative.
2. Members of the Ethics Commission are prohibited to represent the party in the process of disciplinary proceedings.

**Article 32. Inadmissibility in the participation in disciplinary proceedings**

1. A member of the disciplinary commission shall not be allowed to participate in the disciplinary proceedings, if he is:
  - a) a member in the disciplinary proceeding himself;
  - b) a close relative of the participatory party or its representative (in this case a close relative is considered a person who is the legal heir;
  - c) in contractual or personal relationship with the participatory party or its representative;
  - d) There are other circumstances that are likely to hinder impartial and fair hearing of the case.
2. A member of the Ethics Commission is obliged to declare self-withdrawal or remove from the case.

**Article 33. Suspension of the disciplinary proceeding**

1. Disciplinary proceedings shall be suspended if:
  - a) The materials of the disciplinary case clearly indicate to the offense committed by the personnel. In this case the materials of the disciplinary case shall be sent to the investigative body;
  - b) In the process of considering a disciplinary case, there has arisen such objective difficulty or obstacle (illness of the person against whom the disciplinary prosecution is brought, or other case), which makes it impossible to investigate this case temporarily. In this case, the Ethics Commission suspends the proceeding of the disciplinary case by the decision. In case of eliminating the grounds for suspension of the disciplinary proceedings, the Commission is obliged to resume the proceedings;
  - c) The examination materials of the disciplinary case clearly indicate to a gross violation of the Code of Ethics by the personnel, which envisages the study of the issue by other authorities.
2. The period of suspension of disciplinary proceedings shall not be considered within the timeframe established for this disciplinary case examination.

**Article 34. Termination of disciplinary proceedings**

Decision on terminating disciplinary proceedings against the university personnel shall be made if:

- a) as a result of the examination of a disciplinary case against the personnel on the fact of committing a disciplinary offense as provided by this Code or his guilt is not confirmed;
- b) the term of imposing disciplinary sanctions and punishment or disciplinary liability on the personnel has expired;

c) Criminal prosecution has launched against the personnel on the basis of the materials sent;

d) he/she has been dismissed from the job.

**Article 35. Dismissing a member of the Ethics Commission from the disciplinary case**

1. A member of the Ethics Commission is obliged to remove from the hearing of a disciplinary case if there is a circumstance that will prevent him from impartial and objective consideration of the case.

2. The Ethics Commission is obliged to remove a member of the commission from the hearing of a case, if there is a grounded doubt on subjective and unfair consideration of the case by him/her. The decision on the dismissal of a member of the commission is made by the Commission with the consent of the remaining four members of the Commission.

3. A reserve member of the Commission shall occupy the seat of the dismissed member of the Commission in the course of consideration of the disciplinary case in the Ethics Commission.

**Article 36. Recusal of the Ethics Commission**

1. A person who is subjected to a disciplinary prosecution, as well as the management body or the interested person issuing a disciplinary liability has the right to recuse a member of the commission. He is obliged to name and justify the motive of the recusation.

2. The Ethics Commission discusses the solicitation on the recusation of the Ethics Commission and its member in the consultation room.

3. Solicitation on the recusation shall be satisfied if the doubt on impartiality of the member of the commission is grounded.

4. Abolition or amendment of the decision made by a member of the Ethics Commission against the person who has been a subject to a disciplinary prosecution earlier, shall not be considered as the grounds for the impartiality and recusation of the member of the Ethics Commission.

5. The motion on the dismissal of a member of the Ethics Commission must be satisfied if there exists any circumstance specified by this Code.

6. In case the solicitation on the removal is satisfied, the Ethics Commission continues to consider the case without the removed member of the Ethics Commission.

7. In case the solicitation is rejected, the Ethics Commission continues to consider the case at the same session.



**Article 37. Age, submission of complaint and term of imposing disciplinary liability**  
Termination of disciplinary proceedings due to the expiration of the established term.

1. A complaint to the Ethics Commission is permissible within 3 months after breaking the norms of the Code of Ethics. After expiration of this term, the complaint and the disciplinary proceedings shall not be carried out. Restoration of the prescribed period is permissible if there is an occasional case of expiration of the term, namely - irresistible force, illness, administrative body or other reasonable causes.

2. The term of imposition of disciplinary liability shall not exceed 1 year unless otherwise provided by this Code. Upon expiration of the established deadline, the person shall be freed from the disciplinary liability.

3. In the case of disciplinary proceedings, the Ethics Commission is obliged to verify whether the established term for imposing a disciplinary liability is not expired before starting its review.

4. If the term of imposing a disciplinary liability is exhausted, the Ethics Commission is obliged to immediately make a decision on terminating disciplinary proceedings and notify the management authority, as well as the person against whom disciplinary proceedings are launched, about this decision.

**Article 38. Suspension of disciplinary proceedings due to the existence of signs of violation of the Code of Ethics**

1. In the case of disciplinary proceedings, the Ethics Commission is obliged to examine before the commencement of its review, whether there are signs of the offense in the case, which became the basis for disciplinary liability.

2. If there are evident signs of violating the Code of Ethics in the disciplinary case according to the materials, the Ethics Commission shall not initiate consideration, suspends disciplinary case proceedings, and sends the case materials to the relevant management body, as well as to the person, against whom the disciplinary prosecution has been launched.

**Article 39. Preparation of a disciplinary case for review**

1. The Ethics Commission shall appoint the date of the hearing in the Commission.

2. The Ethics Commission shall inform the person, against whom there is grounded suspect on violating the norms of the Ethics Code, about the place, day and time of hearing, as well as other interested persons.

3. The Ethics Commission shall invite witnesses and other persons to participate in the case examination and shall inform them about the place, day and time of the hearing.

**Article 40. Review of the case by the Ethics Commission**

1. The Ethics Commission discusses the case at the Ethics Commission session. The session is chaired by the Chairperson and in case of his/her absence – by the speaker.

2. The session of the Ethics Commission shall be opened by the Chairman of the commission meeting.

3. Review of the disciplinary case shall begin by the report of one of the members of the Commission, in which the stages of the disciplinary case proceedings and relevant factual circumstances are conveyed in a chronological order.
4. After hearing the report, the word is given to the parties, first - to the interested person or the body to present documents, then - to the person subjected to the disciplinary responsibility for the response. The person subjected to the disciplinary responsibility is entitled to benefit from the defence of a solicitor.
5. The parties are entitled to fully express and adhere to their positions, ask each other questions, present written and other evidence, initiate solicitations to publicize documents, materials or information, or to hear the persons invited at the session, require additional documents or invite additional persons and listen to their information, require the relevant case, as well as carry out other activities. The solicitations shall be reviewed by the Ethics Commission.
6. The Ethics Commission is authorized to ask questions to the parties or persons invited to participate in the case review, request additional documents, materials or information, invite other persons additionally to listen to their information, adjourn the case for not more than two weeks and carry out other activities.
7. The person presenting a disciplinary prosecution shall be limited only to disciplinary prosecution and its justification. He does not have the right to request imposing a specific disciplinary measure or charging a disciplinary action measure.
8. The course of the Ethics Commission session shall be reflected in the protocol.

**Article 41. Ensuring equality of the parties**

1. The Ethics Commission is obliged to provide the parties with the equal conditions and opportunities to express and defend their positions.
2. No preliminary meeting with any of the members of the Ethics Commission shall be allowed or receiving any information from it in the absence of the second party, or to hide this information from it, if it does not concern the organizational side of the case.
3. A member of the Ethics Commission is obliged not to express his attitude or preliminary mood in favour of one of the parties before or in the process of reviewing the case, as it might question the impartiality of the Ethics Commission.

**Article 42. Session of the Ethics Commission**

1. The Chairperson of the commission shall open the session; declare the composition of the commission, the identity of the secretary and which disciplinary case will be discussed.
2. The Secretary of the meeting shall report to the Commission the names of the present people, as well as information about the absence of any of the parties and notification about them.
3. The Chairperson of the Commission shall explain to the parties the right to recuse any of the members of the Commission, as well as the right to submit motions and additional evidence.
4. The Commission will hear the applicant's explanations and answers to the questions raised by the Panel of Hearing, as well as explanations and answers to the questions asked

by the Commission, after which the parties are given the opportunity to ask each other questions. With the decision of the Commission, explanations can be obtained using remote utilities (phone, video or other technical means), if the person is identifiable.

5. After the explanation of the parties, the Commission is entitled to review and examine the evidence related to the disputed facts by the motion of the party or on its own initiative. The Commission may meet the parties separately and ask them to make written explanations about the circumstances that are known to them and are important for the case, also ask them questions in this regard. Explanations shall be attached to the case as evidence.

6. The Commission is entitled to invite witnesses and experts and ask them questions in order to investigate the circumstances existing in the case, as well as give the parties the opportunity to put questions.

7. If the question posed by the party is inadequate and does not serve to investigate the circumstances of the case, the Panel of the Hearing may withdraw it on its own initiative or on the basis of the motion of the other Party.

8. At the end of the Commission session, the parties have the right to make a summary speech, after which the Chairperson of the commission announces the session as closed.

9. At the session of the Commission, the absence of either party or the refusal of the present party to give explanation shall not hinder the disciplinary case hearing.

10. At the request of the parties, the Commission sitting and hearing can be postponed, but not more than 3 days.

#### **Article 43. Decision of Ethics Commission**

1. The decision of the Ethics Commission is adopted on behalf of the University Ethics Commission. The decision is made by the majority of attendees.
2. The decision shall be signed by all members of the Commission. A different opinion of a member of the Commission shall be attached to the decision in written form.
3. The Ethics Commission makes a decision on the disciplinary misconduct of the university staff and accordingly, on imposing disciplinary sanctions, or vice-versa, about the absence of a disciplinary misconduct and accordingly, on not imposing disciplinary sanctions.
4. The decision of the Commission shall be transferred to an authorized person (authority) that accordingly has the authority to impose disciplinary responsibility and determine the size and duration of the responsibility, namely:
  - a) Within the competence of the Rector;
  - b) Within the competence of the Head of administration;
  - c) Within the competence of the Academic Council;
  - d) Within the competence of the Board of Representatives;
  - e) Within the competence of the Board of the Faculty.
5. The decisions of the Ethics Commission shall be signed by all members of the Commission. In case of differing opinions, a member of the commission is entitled to indicate a different opinion from the decision of the Ethics Commission as a note, which should be substantiated.
6. The decisions of the Ethics Commission shall not be signed by the person who does not attend the relevant session of the Commission.

#### **Article 44. Measures of Disciplinary Responsibility**

The university staff (employees) may be warned or detained the salary but not more than 50 percent or dismissed from work for violating the norms of the University Code of Ethics and accordingly, for the disciplinary misconduct.

#### **Article 45. Minutes of the Ethics Commission Meeting**

1. The protocol drawn up at the session of the Commission shall be signed by the Chairperson and the Secretary of the session.
2. In the minutes of the meeting of the Commission, there should be indicated:
  - a) The year, month, date and place of the meeting of the Commission;
  - b) The time of commencement and completion of the Commission session;
  - c) Composition of the Ethics Commission and the Secretary of the session;
  - d) Name of the case and registration number;
  - e) The identity of the parties and other persons presented at the session;
  - g) Explanations and questions of the parties and their representatives;
  - h) Testimonies of the witnesses, data on examination of the evidence;
  - i) The contents of the summary statements of the parties;
  - j) Decisions of the Commission session.

3. The parties and their representatives are permitted to put forward a motion on bringing the circumstances that, in their opinion, are of essential importance for the case.
4. The proceeding of the session can also be recorded by means of electronic devices.
5. The minutes of the meeting shall be attached to the disciplinary case.

**Article 46. Disavowal of Disciplinary Responsibility**

1. The procedure for disavowal of disciplinary responsibility may be applied to a person who has been subjected to a disciplinary liability. This procedure shall not be applied to the person who has been sacked from work for disciplinary misconduct or whose salary has been deducted.
2. The person who has issued a disciplinary liability or the management body has the right to waive the responsibility pre-term, if the person has not committed a new offense or has shown himself as an honest person.
3. If the person has not been subjected to a new disciplinary liability within one year, he shall be deemed as having no disciplinary liability.
4. Pre-term removal of disciplinary liability shall be formed in writing in three copies. One copy remains in the Human Resources Management Service, one shall be given to the Ethics Commission and the third copy shall be transferred to this person himself.
5. Removal of disciplinary liability before the expiration of the term shall be included in a personal case.

**Article 47. The violation of the norms of the Code of Ethics by the student and disciplinary prosecution against him/her**

1. In the case of violating the norms envisaged by the Code of Ethics by the student, disciplinary prosecution will be initiated against him/her.
2. Disciplinary prosecution against the student shall be proportional to the disciplinary offense and may be carried out in accordance with the established rule.
3. Any issue related to the violation of the norms envisaged by the Code of Ethics by the student shall be discussed and resolved by the relevant Faculty Board.
4. The issue related to the disciplinary prosecution against the student shall be decided by the Faculty Board.
5. It is permissible to put a motion in the Faculty Board for decision-making on violation of the norms of the Code of Ethics by a student within three months after violating the relevant norms of the Code of Ethics. After the expiration of this term, the motion shall not be carried out and disciplinary proceedings shall not be followed. Restoration of the prescribed period is permissible if there is an occasional case of expiration of the term, namely - irresistible force, illness, due to the administrative body or other reasonable cause.
6. The term of imposing disciplinary liability shall not exceed 1 year unless otherwise provided by this Code. Upon expiration of the established term, the person shall be disavowed disciplinary liability, except for the case when the student is terminated.



7. The initiation of disciplinary prosecution against a student shall not restrict the student's right to participate in the educational process, except for the cases provided by the University Statute and Internal Regulations, if this threatens the rights, health of others, university property and security. The disciplinary prosecution of the student shall be decided by the Faculty Board. The student has the right to attend his/her case.

8. In case of disciplinary prosecution, the student has the right:

- a) To receive a justified decision on commencement of disciplinary proceedings against him in written form;
- b) Attend the examination of the issue of disciplinary prosecution and use the right of protection;
- c) Provide the Commission with the information and evidence available to him/her;
- d) Take part in the examination of the evidence obtained by the Faculty Board;
- e) Request to discuss the issue of disciplinary prosecution against him at the public hearing.

9. At the examination of the case of disciplinary prosecution, the burden of proof lies on the prosecution side. Decision on carrying out disciplinary prosecution must be justified and based on the evidence obtained in accordance with the rule determined by the Law of Georgia and the University Statute and Internal Regulations. All the evidence, which is the basis for disciplinary persecution, must be examined by the Faculty Board.

10. The student has the right to appeal against the decision made by the Faculty Board about him/her in the court.

11. For violation of the norms of the Code of Ethics:

- a) The student may be given a warning;
- a) The student may be terminated.

12. In case of committing a punishable action by the student as envisaged by the Georgian Legislation, the university shall immediately apply to the relevant law enforcement body.