THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA

Ministry of Higher Education and Scientific Research

UNIVERSITY CHARTER OF DEONTOLOGY AND ETHICS

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Table of Contents

PREFACE

1- ETHICS BASIC PRINCIPLES

1.1- Basic Freedom

1.2- Respect of University Franchise

1.3- The Requirements for university truth, objectivity and critical thinking.

1.4- Responsibility and Competence

1.5- Integrity and Honesty

1.6- Mutual Respect

1.7- Digital Ethics

2- DEONTOLOGICAL RULES

2.1- Rights and Obligations of Professor-Researcher in public and private sectors.

2.2- Rights and Obligations of the administrative staffs, technicians, and service officers.

2.3- Students' Rights and Obligations.

3- MISCONDUCT AND PENALTIES

3.1- Public Sector Staffs

3.1.2- Contractual Officers

3.2- Private Institutions Staffs

3.3- Students

4- COMMITMENTS

4.1- Sample n°1 devoted for Staff Employees

4.2- Sample n°2 devoted for Students

PREFACE

A universal consensus around the role, functions and the different tasks of the university institution, considers “three main activities attached to university activity, such as teaching, scientific research and social services".

These basic charges have been thoroughly explained in UNESCO universal declaration issued on October, 09th 1998 and validated in 2009.

This universal declaration has immediately advised to higher education institutions and university community to:

a- "… Submit their entire activities under the requirements of ethics as well as the scientific and intellectual rigor.

b- are independently and responsibly authorized to communicate over ethical, cultural and social issues, exercising a sort of intellectual authority of which the company in need to think, comprehend and react;

c- to benefit without restrictions from their academic freedom and autonomy as well as the entire rights and duties, once they exhibit responsible and liable towards the company.

What does ethics and deontology mean?

Ethics is the flexion that analyses man’s action with regard to moral values and standards. It also concerns with man’s principles and his relation with his counterpart in society”. It determines and motivates actions for better acting.

Deontology has practical aim, wherein it intends to define a common set of rules, recommendations and procedures for a given professional practice.

It aims at regulating the activities of a certain profession and, therefore, constitutes a better conducting code that defines a professional identity.

1- ETHICS BASIC PRINCIPLES:

In consolidation of the principle of transparency, prevention and fight against corruption, according to the provisions of the constitutional amendment of 2020 and the corresponding legal system and with aim to engage effectively in this approach, the national higher education should, through its mission (teaching, research, community service, provision of services and expertise), identify and respect its own fundamental moral values and ensure that the entire university community has to implement and defend.

1.1- Academic freedom:

University teaching and research activities cannot be conceived outside the principle of academic freedom which constitutes their cornerstone.

It is practiced with respect for others, with a professional conscience ensuring the expression of critical opinions without censorship or coercion (Articles 74 and 75 of the 2020 Constitution).

It should serve the visibility of higher education and research establishments through scientific production published in accredited and renowned peer-reviewed journals, and not through a deviation towards the presentation of personal opinions and militant positions.

1.2- Respect of University Franchise:

The practice of academic freedom requires the sacredness of the university franchise, which the state is committed to guarantee.

All the parties belonging to the university community should contribute, in all their different attitudes and behaviors, to the enhancement of academic freedom in a way which guarantees their specificity and their immunity. They should be refrained from promoting or encouraging the situations and practices which may infringe the principles, the freedoms and rights of the university. In addition, they have to be refrained to exercise any political partisan activity within the entire universities milieu.

The exercise of academic freedom requires the sanctification of university franchises, which the state undertakes to guarantee.

All the stakeholders of the university community contribute, in all their behavior, to the enhancement of academic freedoms in such a way that their specificity and their immunity are guaranteed. They are prohibited from favoring or encouraging situations and practices that may undermine the principles, freedoms and rights of the university. Furthermore, they must abstain from any partisan political activity within all university spaces.

1.3-The requirement for scientific truth, objectivity and critical spirit:

Scientific truth and Critical thinking are fundamental principles of the “quest” and possibility for interrogating the knowledge that university both transmits and generates. The requirement for scientific truth compels competences, critical observation of the facts, experimentation, confrontation and respect of points of views, pertinent sources, intellectual rigor, and creativity and innovation.

1.4- Responsibility and competence

Considering it the quintessence of academic freedom, responsibility is directly linked to competence. It is developed due to a democratic and ethical management. It requires the disconnection between pedagogic and scientific competences and the administrative responsibility. The latter is always practiced under the service of
teaching and research. Teachers competence must serve and promote the autonomy of students; considering them as future professionals and citizens.

Finally, this sense of responsibility and dignity should accompany teachers and researchers inand after their retirement.

1.5- Integrity and Honesty:

Integrity and honesty, which comes out of competence, entails that the members of the university community should refrain from all forms of corruption, plagiarism and conflicts of interest. Integrity is also demonstrated by the wise use of the human, material and financial resources, the university community placed at its disposal.

1.6- Mutual Respect:

Respect to the other is based on self-respect. All university community members must ban violence in whatsoever form, be it symbolic, physical or verbal) moral or sexual harassment, discrimination and bias.

the pre-existing diversity in the university and society requires discretion, openness andtolerance, a sine qua non condition for living together.

1.7- Digital ethics:

The accelerated development of digitization requires that the university community support the evolution of digital ethics in the sector of higher education and scientific research. Thus the establishments of the sector must ensure the material and moral conditions to ensure the following principles:

- Manage access to data in such a way as to prevent abuse while maintaining the quality of service within the limits of allocated resources.

- Secure data to protect digital systems, infrastructure and users against breaches, unauthorized access and all other cyber security threats.

- Ensure respect for privacy through the commitment of the academic institution to protect the confidentiality and integrity of personal data available through the use of physical and logical security means so that no unauthorized third party is able to access or use personal data for any reason without the consent of the user concerned.

- Protect the intellectual property (material or moral) of the author and the innovator in the use of his product.

- Combat manipulation and discrimination that can occur in digital technologies, such as biased algorithms or biased data sets.

- Provide and protect the electronic signature, which is considered the guarantee authority for electronic exchanges as well as what it requires in terms of software updates and technological monitoring.

- ensure an effective contribution to the establishment of frameworks and mechanisms for the ethical governance of artificial intelligence through the involvement of institutions in initiatives that aim to meet the ethical, moral and social challenges that the advent of artificial intelligence inflicts on the sector of higher education and scientific research.

2- DEONTOLOGICAL RULES:

2.1- Rights and Duties of Professor-Researcher Staff, and Permanent Researchers of Public and Private Sectors:

2.1.1- Rights:

Higher education institutions have to ensure that the access to a Professor-Researcher profession must be based only on the required qualifications and experience. Besides, they must take all necessary measures to ensure that the teacher-researcher and the researcher have the right to exercise their profession away from any interference, provided that they respect the basic ethical principles and deontological rules.

All matters related to defining and administrating teaching programs, research, peri academic activity, as well as the allocation of resources must be, in accordance with the regulations in force, based on transparency mechanisms.

When the researcher-professor is called upon for exercising administrative functions, he or she must meet the requirements of respect and efficiency.

Evaluating and appreciating researcher-professor work is an integrated part of teaching and research processes within the framework of the guiding rules of quality insurance.

The evaluation should particularly be undertaken based on the academic assessment measures of appreciating research and teaching activities as well as other professional activities related to university institutions and research.

The researcher-professor benefits from adequate work conditions as well as the necessary pedagogical and scientific means that will allow him/her to be fully focused on their tasks and to devote necessary time to benefit from permanent training. Furthermore, the granted treatment

must take in consideration the importance that this profession, and therefore the one who practices, assumes in society for training the elite, according to the importance of the different responsibilities the professor researchers have to fulfil as they start their job.

2.1.2- Duties /Obligations:

The researcher- professor must be a reference in terms of competences, moral values, integrity and tolerance. He /she must embody the worthy image of the university and the scientific research, notably by an irreproachable way of dressing, part of the respect due to his /her profession.

He/she shall perform their profession with care, diligence, competence, integrity, independence, loyalty, honesty and credibility, for the best interests of university institutions and research.

In this regard, he must:

- Demonstrate his/her professional conscience and availability while performing his duties.
- In situations, where multiple occupations are permitted by terms of law, primacy should begiven to the academic profession.
- Prohibit any teaching activity within an informal transaction.
- Be obliged to conform to universal standards as much as possible in their professionalactivities, while preserving their freedom to proceed.
- Provide as efficient education as to the available resources of higher education institutions, forencouraging the free exchange of ideas.
- Clearly state the educational objectives, using the syllabus process, as part of the qualityassurance custom/culture.
- Update its knowledge by adopting a scientific watch posture. - practiceself-evaluation in order to improve one's skills
- proscribe any form of propaganda and indoctrination in his teachings and writings, in order notto abuse the power conferred by the profession
- Contribute to the dissemination of knowledge, learning and scientific culture in order to contribute to the influence of the university and the progress of the company.
- Encourage expertise and consultancy activities to enhance its teaching and research.
- Refrain from any form of discrimination related to gender, nationality, ethnicity, social status,religion, political views, disability and illness.
- Respect the confidentiality of sources, where necessary.
- Respect the work of peers and students, especially doctoral students, by citing sources andrefraining from any form of plagiarism.
- Contribute to the dynamics of the function and culture of evaluation of pedagogical andscientific activities at all levels.
- be fair and impartial in the professional or academic evaluation of their colleagues

- Evaluate students' performance objectively and fairly.
- Ensure that the content of deliberations and debates in the various bodies on which they serve is kept confidential.
- Prevent and prohibit any situation that may lead to a conflict of interest harmful to the profession, including: " any situation of interference between a public or private interest and personal interests, which are of such a nature as to influence the independent, impartial or objective exercise of a function".
- Refrain from using their academic status and engaging the responsibility of the university in purely personal purposes.
- Manage honestly all funds entrusted to them in the context of the university, research activities or any other professional activity.
- Refrain from hindering the smooth running of the institution, in particular by closing accessroutes to teaching and research facilities.
- They must therefore respect the right of all members of the university community to access the exercise of their activities and functions.
- Wear professional uniform.

2.2- Rights and Obligations of the Administrative Staffs, Technicians, and Officers.

2.2.1- Rights

- They have to be treated with respect, consideration, and hold the same title as entire university community actors.
- They must not put under pressure, segregation or discrimination while accomplishing theirtasks.
- They benefit from government protection while exercising their tasks.

2.2.2-Obligations

- They are responsible for the continuous and regular functioning of structures and institutionsof education and research.
- They should do their tasks with professionalism.
- They are responsible of their decisions and actions as well as the judiciary use of sourcesand information at their disposal.
- They should prevent any interference or intrusion in their pedagogical and specific acts.

- They should demonstrate their impartiality and objectivity
- They should take their decision under the respect of rules in use and in accordance to the equal and honest treatment avoiding all forms of discrimination
- They should accomplish their tasks with loyalty and without partisan consideration
- They should conduct in an honest and equal manner, avoiding to put themselves in a susceptiblesituation, wherein, they might be turned accountable to anyone who could unduly influence the, while performing their duties. They shall refrain from placing themselves in a conflict-of-interestcase.
- They should show courtesy, listening, discretion, confidentiality, diligence and reliability inthe accomplishment of their profession.
- As part of the quality assurance culture, they must be committed to achieving the objectives andperspectives in the school project.
- They must refrain from hindering the smooth running of the institution, in particular by closingaccess routes to teaching and research structures.
- They must respect consequently the right of all the members of the university community to access to the exercise of their activities and functions.
- They must wear a dress worthy of their profession

3- Rights and Duties of Students

The student must be given all possible conditions to evaluate harmoniously within higher education institution. He/ she has, therefore, made rights which only take their meaning if they are accompanied by responsibility which is translated into duties.

3.2.1- Rights

The student has the right of:

- Information about the higher education institution to which he/she belongs, including its internal regulations.\
- Freedom of expression and opinion in accordance with the rules governing university institutions
- Respect and dignity on the part of members of the university community. - The necessary security, hygiene, and health prevention both in universities and university campuses /residencies.
- Quality teaching and supervision based on modern and adopted pedagogical methods.

- The student has the right to a fair, equitable and impartial or unbiased evaluation.
- He/she has the right to appeal if he/she feels aggrieved in the correction of a test.
- Post- Graduation student has the right to research training through research and support measures.
- The syllabus of the course and the related modules must be communicated to the student at the beginning of the year. The courses must be made available to the student in syllabus form.
- It is imperative that the student receives the marks and bar of the test as well as the copy of the test
- The student elects his/her representatives to the pedagogical committees without hindrance or pressure.
- The student can establish scientific, artistic, cultural and cultural sports associations in accordance with the legislations in force.
- These associations must not interfere in the administrative management of the university institutions outside the framework set by current regulations. - The student, whether a national foreigner or refugee shall not be discriminated against on the basis of gender, religious beliefs, political opinions, ethnicity or minority, social origin, illness or disability. Likewise, they shall not be subjected to psychological, moral or sexual harassment.

2.3.2- Duties of Students:

- The student is obliged to provide accurate and precise information at the time of registration and to fulfil his/her administrative obligations towards the institution.
- The student must respect the school s internal regulations, the regulation in force and thecode of conduct and ethics
- The student shall respect the dignity of members of academic community and the rights ofmembers of the academic community to freedom of expression and opinion.
- The student must refrain from interfering in the smooth running of the establishment, particularly, by closing the access routes to the teaching and scientific research facilities
- The student must, therefore, respect the right of all members of the university communityto carry out their activities and functions.\
- The student must wear a dress worthy of his /her status as a student. - The student mustshow good citizenship inside and outside the university premises.

- The student must respect results of the jury of deliberation which are sovereign.
- The student is forbidden to resort to fraud and plagiarism. The sanctions he/she incurs, provided for by the regulations in force and the internal rules of the institution, are the responsibility of the disciplinary council and can go as far as definitive exclusion from the institution.

3- Faults and Sanctions:

The sanctions provided for in this charter are more related to the non-respect of the rules of deontology than the violation of the principles of the ethics

Three types of sanctions are possible: educational, administrative, and penal

3.1- Public Sector Staff:

3.1.1- Permanent Staff

With regard to sanctions for staff teacher –researcher, university-hospital researcher teacher and permanent researcher working in the public sector, reference should be made to ordinance on sanctions N°06-03 of July 15th 2006, on the general status of the civil of the civil service, published in the JORADP N°46 of July 16th, 2006, which determines in its articles 160-185 the professional misconduct and the sanctions related to it.

This general scheme is fully complemented by the special status of

- University hospital researcher-teacher (articles 22-23 of the executive decree N°08-129 of 03May 2008: JORADP N°23 issued on May 04th 2008)

- **Permanent researcher** (Article 31 of the executive decree N08-131 of 03rd May 2008: JORADPN°23 issued on May 04th 2008).

It is understood that sanctions in this field require the intervention of the commissions now provided for and organized by executive decree n20-199 of 25 July relating to the joint

administrative commissions, appeals commission and technical committees in public institutions and administrations, published in the official gazette n44 of 30 July 2020 pages 6-15.

3.1.1.1- in addition to the professional misconduct mentioned in the above mentioned texts, the violation of the rules set out in the present charter must also receive a fair sanction proportionate to the seriousness of the misconduct committed.

Indeed, the violation of the deontological rules now enshrined in the charter must no longer go unpunished, as:

- **Psychological, moral or sexual harassment**, whether committed by teachers, students or

technical and support staff (ATS).

- **Sexist behaviour**
- Refrain from any discrimination on the basis of birth, race, gender, opinion, or any other personal or social status or circumstance (according to the Constitution promulgated on December 30, 2020, especially Article 37 thereof).
- **Hate speech** relating to any form of expression that promotes, encourages or justifies discrimination, or that expresses contempt, humiliation, hostility, detestation or violence.

Violation of these constitutes 4th degree misconduct.

3.1.1.2- Moreover, according to article 41 of the ministerial decree of October 30, 2016: the director of the private institution shall ensure the respect of the rules of ethics and academic conduct by the staff and students.

3.1.1.3- professional misconduct may also be subject to pedagogical sanctions which arenot mentioned in the above-mentioned texts, such as:

- withdrawal from teaching.
- exclusion from any teaching activity.
- exclusion from any pedagogical and scientific management body.
- exclusion from the evaluation and/or defence jury.
- exclusion from the direction of a thesis or dissertation.
- exclusion from the benefit of the scientific leave.
-

3.1.1.4 - professional misconduct may also receive criminal sanctions which are notably provided for in the following three texts:

law on copyright: order 03-05 of 19 July 2003 relating to copyright and neighbouring rights JORA N°44 OF JULY 24 2003

Ministerial order on plagiarism N°1082 of 27 December 2020

provisions relating to sexual harassment: article 341 bis of the penal code version 2015

law on corruption: law N° 06-01 of 20 February 2006 on the prevention and fight against corruption (JORA N°14 of 08 March 2006).

3.1.2- Contract Staff/Agents:

The professional misconduct and disciplinary sanctions are determined by Presidential Decree N° 07-308 of 29 September 2007, articles 59/68, JORA N0 61 of 30 September 2007

3.2- Private institutions Staff:

The private establishments of higher education are governed by the following 02 texts

1- Law N° 08-06 of 23 February 2008 modifying and completing law N° 99 -05 of 4 April 1999 bearing orientation law on higher education joran10 of 27 February 2008 pages 33-37. This law of 2008 completed the law of 1999 by a title IV bis of the higher education ensured by private establishments. in its articles 43 bis 14 as well as articles 63 bis 1 and 63 bis 2. law N° 99-05 of 04 April 1999 modified and completed by the law n06-08 of 23 February 2008, n10 of the official journal of 2008.

2- Order of the minister of higher education of 30 October 2016 fixing the specifications for the authorization of the reaction of a private institution of higher education JORAN N°67 of 13 November 2016.

3.3- Students

3.3.1- Concerning the students, the offences and sanctions as well as the disciplinary procedure are established by the order of the minister of education and scientific research N371 of June 11, 2014, published in the official bulletin of the MESRS, year 2014, second quarter, concerning the creation, composition and functioning of the disciplinary council within the establishments of higher education.

3.3.2 – with regard to doctoral students in particular the thesis charter annexed to the order of the minister of higher education and scientific research N° 961 of 2 December 2020, "setting out the organization of 3rd cycle training and the conditions of preparation and defence of the doctoral thesis", indicates among the obligations of the doctoral student commitment to respect the rules of ethics and deontology.

This charter also specifies the respective responsibilities of the thesis director, the laboratory director and the CFD doctoral training committee.

3.3.3- without prejudice to the penal qualification and in accordance with article N° 13 of the order of the minister of higher education and scientific research N°371 of 11 June 2014, the following are constitutive of faults of the 2nd degree:

- **Psychological, moral or sexual harassment**
- **Sexist behaviour**.
- Manifestations of **racism** and **discrimination** against migrants or on the basis of **gender** identity, religious **beliefs**, political **opinions**, ethnicity or minority **status**, social **origins**, illness and disability.
- **Hate speech** relating to any form of expression that promotes, encourages or justifies discrimination, or that expresses contempt, humiliation, hostility, detestation or violence.

3.3.4- The penal system has been completed and enriched by two important law published in the official journal N°25 of 29 April 2020.

º Law N° 20-05 of 28 April 2020 on the prevention and fight against discrimination and hate speech.

With a view to the moralization of public life, the dissemination of the culture of tolerance and dialogue as well as the eradication of violence in society, this law defines and for the first time hate speech and discrimination as follows:

- Hate speech: any form of expression that propagates, encourages or justifies discrimination or violence against a person or group of persons, because of sex, race, colour, descent, rational or ethnic origin language, geographical origin, disability or health status.
- Discrimination: any distinction, exclusion, restriction or preference based on sex, colour, descent, rational or ethnic origin language, geographical origin, disability or health status, which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedom in the political, economic, social, cultural or any other field of public life.

Hate speech and discrimination, thus, constitute criminal offences of particular gravity.

º Law N 20-06 of April 2020 modifying and completing the penal code.

This law has introduced a new chapter entitled "The infringement of the integrity of examination and competition" composed of the articles 253 bis6 to 253 bis12".

In view of the extreme importance of this new provision, which must be known by all members of the university community, the National Committee on University Ethics and Deontology has deemed judicious to reproduce it below, so that no one ignores or forgets.

- **Article 253 bis 6:** anyone who, before or during examination and competitions, disseminates or divulges questions for primary, middle and secondary education or for

  national vocational competitions as well as for national vocational competition shall be liable to imprisonment for a period of one (1) to three (03) years and a fine of 100.000 to 300.000 DA.

  Any person who substitutes himself for the candidate in the examinations and competitions mentioned in paragraph (01) of this article shall be liable to the same penalties.

- **Article 253 bis7**: the penalty shall be imprisonment for a term of five years to ten years and a fine of 500.000 to 1000.000DA, if the acts mentioned in the article 253 bis6 are committed by:
  - º Persons responsible for preparing, organizing, administering r supervising examinations and competitions.
  - º A group of persons
  - º The use of an automated data processing system.
  - º The use of remote of communication.

- **Article 253 bis8:** the penalty is criminal disqualification for a period of seven to fifteen years and a fine of 700.000 to 1500.000 DA, if the commission in time of the acts

mentioned in article 253 bis6 results in total or partial cancellation of the examination or the competition.

- **Article 253 bis9**: the attempt of offences provided for by the present chapter is punished by the same penalties of the offence committed.

- **Article 253 bis10**: in case of conviction for the offences provided in this chapter, the perpetrator may be punished by the deprivation of one or more of the rights provided for in article 9 bis1 of the present code(N.B: this article 9 bis1 refers in its paragraph 4 to the deprivation of the right to teach, to direct a school or to be employed in an educational establishment as a teacher, master or supervisor.

- **Article 253 bis11:** without prejudice to the rights of bona fide third parties, the instruments, programmes, and means used in the commission of the offences, provided for in this chapter, as well as the funds resulting there from, shall be confiscated, and the website or electronic account used in the commission of the offence shall be closed down, or access to it shall be prohibited. Besides, the premises and places of operation shall be closed down, in the event that the owner had knowledge of the offence.

- **Article 253 bis12:** A legal person who commits any of the offences provided for in this chapter, shall be punished in accordance with the provisions of this code

4- COMMITMENTS:

4.1. Sample N1 specific for Staffs

THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA

Ministry of Higher Education and Scientific Research

ETHICS AND DEONTOLOGY COUNCIL

COMMITMENT DEVOTED FOR STAFFS

I, the under-signed, ……

(precise responsible, teacher-researcher, ATS)……..

Institution /Ministry ……

……

…..

Declares that I have taken cognizance of the university charter of deontology and ethics (2023 edition) and, therefore, commit myself to the strict respect and spirit in all circumstances.

Issued in……on…..... signature

4.2. Sample N 2 specific for Students

THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA

Ministry of Higher Education and Scientific Research

ETHICS AND DEONTOLOGY COUNCIL

COMMITMENT DEVOTED FOR STUDENTS

I , the under-signed,

…… (Registered on)

……..

In the institution ……

……

…..

Declares that I have taken cognizance of the provisions relating to the rights and duties of students as enriched in the university charter of deontology and ethics (2023 edition) and, therefore, commit myself to the strict respect and spirit in all circumstances.

Issued in……on…..... signature