



**CODE OF PROFESSIONAL ETHICS  
OF THE NATIONAL AGENCY FOR QUALITY ASSURANCE IN EDUCATION AND  
RESEARCH**


**Issue II, Review 0**

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President

Andrei CHICIUC

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## I. GENERAL PROVISIONS


1. The Code of Professional Ethics of the National Agency for Quality Assurance in Education and Research (hereinafter - the Code) is developed based on art. 115, paragraph 2, letter j) of the Education Code of the Republic of Moldova (no. 152/2014) and point 25, subsection 17) of the Regulation on the organization and operation of the National Agency for Quality Assurance in Education and Research (HG 201/2018).
2. The code establishes the general values and principles, the rules of professional conduct that constitute deontological benchmarks for carrying out the internal and external activities of the National Agency for Quality Assurance in Education and Research (hereinafter - ANACEC).
3. The code regulates the professional behaviour of all those involved in ANACEC activities (hereinafter referred to as "ANACEC staff"), respectively:
  - 1) ANACEC employees;
  - 2) Members of the Governing Board of ANACEC;
  - 3) members of the Ethics Commission, the Profile Committees and the Expert Commissions;
  - 4) members of the external quality evaluation panels in general, VET, continuous and higher education;
  - 5) evaluators from the Register of expert evaluators by domain.

## II. VALUES AND PRINCIPLES

4. This Code promotes the following values: responsibility, competence, integrity and transparency.

The principles that correspond to the four values are:


- 1) legality – compliance with the Constitution of the Republic of Moldova, the normative framework in force and international treaties to which the Republic of Moldova is a party;
- 2) impartiality – the manifestation of an objective and neutral attitude towards any personal, economic, political, religious, etc. interest;
- 3) independence – political affiliation must not influence the behaviour and decisions of the employee, as well as the policies, decisions and actions of the agency;
- 4) professionalism – fulfilling work duties with responsibility, competence, efficiency, promptness and correctness;
- 5) confidentiality – guaranteeing the security of data and information obtained in the exercise of the duties established by the regulatory framework;
- 6) respect – consideration given to individuals, colleagues, superiors, subordinates, their rights and freedoms, institutions, laws, social values, ethical and deontological norms;
- 7) loyalty to the institution - promoting the prestige of ANACEC and refraining from any act or fact that may harm its image or legal interests;
- 8) freedom of thought and expression - free expression and substantiation of opinions, respecting the rule of law and good morals;
- 9) intolerance towards corruption – the application of legal measures, according to competence, for the prevention, detection, suppression and punishment of corrupt behaviour;
- 10) moral integrity – adopting a behaviour according to the ethical norms accepted and respected in society;

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11) collaboration and partnership - ANACEC is open to new initiatives, responding to local or regional social changes, to the needs of the beneficiaries of its services. As much as possible, it facilitates professional, managerial, ethical competition between the institutions and programs targeted by the internal or external evaluation process. The entire activity is based on an open and participatory attitude.

### III. RULES OF CONDUCT

5. The rules of conduct detail the principles stated in this Code and constitute a reference point for the conduct considered correct in the exercise of the attributions of the position, but they cannot cover all the particular situations that may be encountered in daily activity.
6. In the spirit of the principles and values mentioned above, those covered by this Code take into account in their activities the following rules of conduct related to:
  - 1) quality of work – performance of work in a professional and qualitative manner, in strict compliance with the job description or contractual obligations.
  - 2) continuous professional development - the permanent improvement of professional and managerial skills and the strengthening of ethical principles and moral values related to the responsibilities arising from quality evaluation activities; Knowledge of international and national changes in the field, share their knowledge and experience with other interested colleagues, contribute to increasing the level of awareness and acceptance in society of quality standards and support all activities and events that promote a culture of quality and ethics in education.
  - 3) quality of communication - working to ensure a permanent correct and efficient communication within ANACEC as well as with third institutions or persons, according to the agency's regulations: the correct, concise, constructive, complete use of clear messages, understood, accepted by the parties, transmitted on time and respected by all participants; overcoming subjective barriers and establishing trust, giving credibility and mutual respect. The conclusions of the evaluation will be objective and constructive and will suggest directions for future quality improvement programs. In the discussions between parties participating in the external evaluation process, communication will be based on mutual understanding, the search for a convergence of opinions, harmony and consensus, with the final goal being the improvement of the quality of the educational act for the benefit of all.
  - 4) relations with colleagues and work partners and dialogue - conducting activities without questioning the integrity of colleagues, partners. Any suspicion and questioning of objectivity, unfounded legally, will be interpreted as a violation of the current norm of conduct. A behaviour based on respect, good faith, fairness, impartiality, objectivity and kindness will be adopted, both in relations with other colleagues and with the institution's work and dialogue partners.
  - 5) (1) conflicts of interest - avoiding situations, in order not to fall under the scope of the conflict of interest: situation in which the conflict arises between the exercise of the duties of the position held and personal interests (any interest, material or immaterial, resulting from their personal needs or intentions, from activities which may otherwise be legitimate as a private person, from their relationships with close persons or legal entities, regardless of the type of ownership, from personal relationships or affiliations with political parties, with non-commercial organizations and with international organizations, as well as resulting from preferences or their commitments), which could improperly influence the


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objective and impartial fulfilment of their obligations and responsibilities according to the law.

(2) A situation of incompatibility is considered when any person: is a signatory or co-signatory to the documents, programs and other academic or managerial products of the evaluated institution; participated directly or indirectly in the decisions regarding the evaluation of the academic and managerial performances in question; is part of the respective institution to be evaluated or is directly or indirectly involved in the evaluated activity; has or has had, in the last three (3) years, contractual relations with the evaluated institution, with the exception of participation in joint research projects, participation in doctoral committees, final exam committees and competition committees for filling vacant positions; is in a recognized personal conflict with one or more members of the academic community at the evaluated institution; was involved in a dispute with the evaluated entity or demonstrated, on other occasions, biased attitudes, double standards and prejudices in the assessment of their activities; has had collaborative relationships based on a contract in the last three years with the evaluated study program or with the evaluated higher education institution; know that they will have collaborative relationships based on a contract in the next three years with the evaluated study program or with the evaluated higher education institution.


(3) If, in the execution of professional duties by ANACEC staff, the persistence of a conflict of interests is found, the subject of law falling under the scope of this rule will be immediately informed in writing by the Ethics Commission and all necessary measures will be taken in order to avoid involvement in that situation, and the person in conflict of interest immediately after notification of the incompatibility is obliged to give up the activity - source of the conflict of interest.

- 6) situations of compromise - ANACEC staff in the exercise of their professional duties will not accept and will not give in to possible external pressures, regardless of who they are exerted in favour of the evaluated structures, either directly (by the institution's own staff) or indirectly (by third parties) , who are not employees of the institution but who could occupy an important position within some public or private bodies or institutions); through their own conduct, they will reject any compromise and impose a climate of moral correctness during quality evaluation activities.
- 7) intellectual property - ANACEC staff will permanently respect the intellectual property of those who provide information and documents. The self-evaluation reports, documents consulted, applications submitted are in whole or in part the exclusive intellectual property of the evaluated part (individual or institution). The transmission of information and/or documents to any third party will be avoided under any circumstances.
- 8) (1) statements, speeches and public appearances - ANACEC staff will give press statements or hold public speeches regarding ANACEC's activity, only with the prior approval of the management. The persons appointed to participate in activities or public debates, in an official capacity, respect the limits of the entrusted representation mandate and do not express personal or inconsistent assessments in relation to the activity of the institution, its policies and strategies or draft acts of a normative or individual nature. When ANACEC staff communicate verbally or in writing, outside the institution, they do not provide information from the institution's activity or regarding its staff, which are not public, without the prior approval of the management.

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(2) The ANACEC staff does not make judgments in relation to the disputes that are being resolved and in which the institution is a party, if they are not authorized to do so. ANACEC staff will not use their name or image in association with the position held in ANACEC, in advertising actions or to promote a commercial activity.


- 9) political involvement - ANACEC staff does not, by virtue of their position, get involved in activities of a political nature, such as: participation in the collection of funds for the financing of political parties; providing logistical support to candidates for positions of public dignity; collaboration, both within and outside of work relationships, with natural or legal persons who make donations or sponsorships to political parties; the use of one's own image, by association with the image of the institution, for electoral purposes. Within ANACEC, it is not accepted to display insignia or objects inscribed with the logo or name of political parties or their candidates.
- 10) (1) conduct in international relations - when representing ANACEC by its staff in international organizations, conferences and other activities of an international nature, the limits of the entrusted mandate are respected and an unfavourable image of the institution is not promoted. In relations with the representatives of other states, a conduct corresponding to the rules of protocol is adopted, the laws and customs of the host country are respected and one's own/personal opinions are not expressed regarding international conflicts;
- 11) status of gifts and favours - ANACEC staff does not request or accept money, gifts, services, favours, free offers, invitations to various events or any other advantages that are intended for personal, family, friends or people with whom ANACEC staff members have or have had business or political relationships that may influence impartiality in the exercise of the positions held and may constitute a reward in relation to these positions.
  - (2) ANACEC staff does not offer money, gifts, services, favours, invitations or any other advantage to public officials or contractors of ANACEC, in order to obtain rights or other advantages, of any nature.
- 12) (1) abusive use of the attributions of the position - ANACEC staff is prohibited from using the attributions of the position held for purposes other than those provided by law and in the interest of the institution. Through the decisions taken and the activities carried out, it will not be pursued to obtain benefits or advantages in personal interest or for other people, or to cause material or moral damage to other people.
  - (2) ANACEC staff does not intervene or influence, based on the position they hold, any investigation or research of any nature, within the institution or outside it, in accordance with the law.
  - (3) ANACEC staff does not require natural or legal persons with whom they come into contact in the framework of working relationships to register in/make monetary contributions in favour of organizations or associations, regardless of their nature, or does not suggest this to them, promising to grant material or professional advantages.
- 13) correct use of institutional resources – ANACEC staff must ensure the protection of the institution's property and avoid any damage, acting in any situation as a good owner. ANACEC staff must use their working time, as well as the assets belonging to the institution only for carrying out the activities related to the position they hold and ensure, according to their attributions, the useful and efficient use of financial resources, in accordance with the legal provisions.

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- 14) moral and sexual harassment - both in internal relations and in relations with external partners, the staff will avoid any form of moral harassment that can lead to discredit, isolation, humiliation, gossip, intimidation, threatening a person, deterioration of working conditions, respect towards oneself or towards life. ANACEC staff will avoid any situation of sexual harassment manifested by unwanted behaviour with a sexual connotation, expressed physically, verbally or non-verbally, having the object or effect of harming a person's dignity and, in particular, creating an intimidating, hostile environment, degrading, humiliating or offensive.
- 15) objectivity in evaluation - ANACEC staff with management positions ensure equal opportunities and treatment regarding career development for subordinate staff and apply objectively the procedures and legal provisions when proposing promotions or changes in positions, the granting of material or moral incentives for subordinate staff; it does not favour or disfavour subordinate staff with regard to access or promotion in positions, based on discriminatory, kinship or affinity criteria.
- 16) individual responsibility - ANACEC staff is responsible for knowing and complying with the rules provided in this Code. Violation of the rules of the Code attracts the responsibility of the guilty party, by bearing the consequences according to the legislation in force.
- 17) information about the provisions of the Code - ANACEC staff is compulsorily informed about the provisions of the Code, by publishing it on the website, but also by verbal information.
- 18) monitoring compliance with the rules of the Code - the Ethics Commission is responsible for monitoring the application and compliance with the rules of the Code, registering notifications of violations of its rules in a special register, as well as for drawing up annual reports in this regard.
- 19) Reporting cases of violation of the provisions of the Code - the ANACEC staff has the obligation to report in writing to the Ethics Commission the deviations or violations of the rules of ethics and professional conduct. Any natural or legal person who, in the relations with the ANACEC staff, found deviations or violations of the rules of this Code can make complaints.

#### **IV. ETHICAL MISCONDUCT**


7. Violation of the rules of conduct provided for in this Code attracts the disciplinary or civil liability of the guilty and is sanctioned according to the legal provisions in force.
8. The following acts and attitudes will be considered as ethical misconduct:
  - 1) non-compliance with legal regulations;
  - 2) non-compliance with the methodologies, external evaluation guidelines, procedures and other internal regulations of ANACEC;
  - 3) not reporting the existence of a conflict of interest, expressing an opinion in a case of conflict of interest, any kind of involvement or participation in procedures involving the conflict of interest;
  - 4) using the position for the purpose of acquiring personal gains of a material nature or other advantages;
  - 5) intimidation, creating pressure of any kind, visible (bribes, threats) or less visible (blackmail, intercession/interventions), on the persons in the management, as well as other contractors of ANACEC;
  - 6) distortion of the truth regarding the activity of ANACEC;

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- 7) the disclosure of information about a particular case of quality evaluation or about the qualification granted before the publication of an official position by the agency or by the respective institution, as well as the disclosure, at any time, of confidential aspects of the discussions within the external evaluation panels, of the profile committees/expert commissions of ANACEC, within the Governing Board of ANACEC;
  - 8) infringement of intellectual property rights;
  - 9) refusal to cooperate with other members, obstruction of cooperation between members involved in the external evaluation/attestation process;
  - 10) violation of any other rule of conduct, provided by this Code or other normative acts in force.
9. If the committed acts meet the constitutive elements of a misconduct, ANACEC will notify, in accordance with the law, the competent bodies and institutions.


#### **V. ETHICS COMMISSION AND PROCEDURE FOR THE ANALYSIS OF ETHICAL MISCONDUCT**

10. Ensuring compliance with the Code:
  - 1) The basic responsibility for ensuring compliance with this Code rests with the Ethics Commission. The Ethics Commission will present its opinion on the notifications received through a draft decision, subsequently submitted to the Governing Board/President of ANACEC, for decision-making.
  - 2) In the exercise of their duties, the members of the Ethics Commission have the following duties:
    - a) To monitor the consistent use of the provisions of the Code;
    - b) To receive, investigate and resolve cases of deviation from ethical principles and rules of conduct, as well as cases of incompatibility;
    - c) To propose resolutions to resolve notifications and self-notifications regarding non-compliance with the provisions of the Code;
    - d) To draw up annual activity reports on the state of ethical conduct of ANACEC staff and formulate recommendations as appropriate;
    - e) To collaborate efficiently and consistently with dialogue partners.
11. The structure and organization of the activity of the Ethics Commission:
  - 1) The Ethics Commission is made up of 5 permanent members, also appointed as ethics advisors, whose position will extend for a period of 4 years, unless the mandate of the basic position expires before this term.
  - 2) The Vice-President of ANACEC, the representative of the students on the Governing Board of ANACEC and 3 other persons appointed from among the employees of ANACEC by order of the President of ANACEC will be members of the Ethics Commission.
  - 3) The members of the Ethics Commission will elect its chairperson and secretary through open voting.
  - 4) The secretary of the commission will ensure the records of documents and correspondence, who will also draw up the minutes of the meetings of the Ethics Commission, as well as its draft decisions.
  - 5) The members of the Ethics Commission will meet each time there are cases of complaints/reports regarding violations or potential violations of the Code of Ethics.
  - 6) If one or more members of the Ethics Commission are in conflict of interest, the President of ANACEC decides to nominate other members only for that case.

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- 7) There cannot be part of the Ethics Commission:
  - a) Persons directly involved and against whom the respective incompatibility case was opened;
  - b) Persons in conflict-of-interest situations in the respective case.
12. The procedure for resolving cases of violation of the Code
  - 1) The procedure for analysing ethical misconduct starts either on the basis of complaints/notifications regarding the violation of this Code, or through the self-notification carried out by the Ethics Commission.
  - 2) Complaints/notifications must be substantiated and factual situations invoked - proven. Anonymous complaints/notifications or those submitted without indicating the postal or electronic address of the complainant are not examined.
  - 3) Any complaint/ notification regarding the deviation from the provisions of this Code will be confidential until the decision of the President of ANACEC/the Governing Board of ANACEC.
  - 4) The analysis and decision mechanisms include the following stages: receiving the complaint/notification; case analysis; adoption of the draft decision; proposing and applying sanctions.
13. Receiving the complaint/notification
  - 1) Complaints/ notifications will be received by the Document Management Service and will be forwarded to the President of ANACEC.
  - 2) The President of ANACEC will decide on the transmission, if the complaint/notification is reasonable, to the Ethics Commission within 2 days of receipt.
14. Case analysis
  - 1) The Ethics Commission will analyse the case in the context of the meetings that will be held under the leadership of the chairperson of the Commission.
  - 2) The Ethics Commission may hear any person who could provide pertinent information for the correct resolution of the case.
  - 3) Discussions during hearings are collegial and confidential. The discussions are recorded in writing, in the minutes of the meeting of the Ethics Commission, being countersigned by the chairperson of the Ethics Commission.
  - 4) The proposals of the Ethics Commission are formulated on the basis of the available documents and the opinions expressed by the members of the commission. The proposed decision must meet the majority vote of the members of the Ethics Commission.
15. Adoption of the draft decision
  - 1) The draft decision drawn up by the Ethics Commission is sent to the President of ANACEC/ the Governing Board of ANACEC for approval, within 20 days of receiving the notification.
  - 2) If the member of the Governing Board of ANACEC is involved in the case that was examined by the Ethics Commission, he/she will not participate in the analysis and decision-making process.
  - 3) At the proposal of the Ethics Commission, the President of ANACEC or the Governing Board of ANACEC can decide:
    - a) Setting a sanction related to ethical misconduct;
    - b) Finding that there was no deviation from the provisions of the Code.
16. Proposal and application of sanctions



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- 1) The sanctions that the Governing Board of ANACEC can apply, as a result of deviations from the provisions of the Code, are the following:
    - a) The written warning;
    - b) Removal from the Register of Evaluators of ANACEC of the person guilty of the deviations from the provisions of the Code;
    - c) The proposal to revoke the membership of the Governing Board of ANACEC, the Profile Committee;
  - 2) The sanctions that the President of ANACEC can apply, as a result of deviations from the principles and provisions of the Code, are the following:
    - a) Revocation of the membership of the Expert Commission;
    - b) Exclusion of the expert evaluator and/or the ANACEC employee from the evaluation or attestation process.
    - c) Sanctions provided by the legislation in force, in the case of permanent employees of ANACEC, in case of non-compliance with the principles of this Code.
  - 3) The decision of the President of ANACEC/ the Governing Board of ANACEC is final, no longer able to be appealed to the Appeals Commission, and is communicated in writing to the concerned party by the Ethics Commission, within 5 working days from the approval of the decision of the Governing Board of ANACEC. All resolutions are made public on the ANACEC website.
17. Sanctions for deviations from the principles and provisions of this Code do not exclude, as the case may be, the application of other measures according to the legislation in force.

#### **V. FINAL PROVISIONS**

18. This Code enters into force on the date of approval by the Governing Board of ANACEC.
19. This Code is public and is posted on ANACEC's website.