

Pursuant to Article 95, point 3 of the Constitution of Montenegro, I enact

## **DECREE ON THE PROMULGATION OF THE LAW ON ACADEMIC INTEGRITY**

I hereby promulgate the **Law on Academic Integrity**, adopted by the Parliament of Montenegro of the 26<sup>th</sup> convocation, at the second sitting of the first ordinary (spring) session in 2019, on 6 March 2019.

Number: 01-436 / 2  
Podgorica, 11 March 2019

The President of Montenegro,  
**Milo Đukanović**, sr

Pursuant to Article 82 point 2 and Article 91 paragraph 1 of the Constitution of Montenegro, the Parliament of Montenegro of the 26<sup>th</sup> convocation, at the second sitting of the first ordinary (spring) session in 2019, on 6 March 2019, on 6 March 2019, enacted

## **LAW ON ACADEMIC INTEGRITY**

### **I. BASIC PROVISIONS**

#### **Subject-matter of the law**

##### Article 1

With an aim to preserve and improve the quality of higher education, the law lays out the academic integrity principles for teachers, associates, students, as well as for other individuals with academic background, types of academic integrity violations and the procedure of safeguarding academic integrity.

#### **Academic integrity**

##### Article 2

Academic integrity is an academic behaviour that respectively ensures upholding academic honesty, dignity of the profession, quality of work and its products, spirit of equal fellow cooperation between all participants in the academic process, focus on truth as a core value and compliance with legal regulations as the basis of responsibility of the academic community members that is to say, any conduct that is consistent with the academic integrity principles.

The academic community includes academic staff as defined by a special law as well as university students.

#### **Academic integrity principles**

##### Article 3

Academic integrity is based on the respective principles of honesty, objectivity, openness, freedom in teaching and research and responsibility toward academia and society.

#### **The principle of honesty**

##### Article 4

Academic integrity is based on independence in science, education and professional work as well as on respect for other people's work and creation.

### **The principle of objectivity**

#### Article 5

Members of the academic community must not allow prejudice and bias of any kind that may affect their objectivity in academic, research, administrative, business and management activities.

### **The principle of openness**

#### Article 6

The research results delivered by the academic community members should be available to the public and scientific and academic networks.

### **The principle of freedom in teaching and research**

#### Article 7

Higher education institutions (hereinafter: the institution) should protect all academic community members from any attempt to restrict or deny their freedom in educational, scientific or research work.

### **The principle of responsibility**

#### Article 8

The accountability of institutions is reflected in the observance of quality norms, ethical norms and promoting excellence as well as openness to a critical view of their overall activities by the society.

### **Code of Ethics**

#### Article 9

The academic community should adhere to the Code of Ethics.

The Code of Ethics is adopted by the institution, in accordance with the regulations governing higher education as well as with the Charter of Ethics.

## **II. VIOLATION OF ACADEMIC INTEGRITY**

### **Plagiarism**

#### Article 10

Plagiarism is taking over of someone else's work or part of that work, someone else's important scientific findings or their parts, hypotheses, theories, methods or data resulted from scientific research without making authorship reference, or carrying out another similar action, representing them as their own authentic work, in order to obtain a personal gain.

Work (professional, scientific or artistic) which the competent authority determines to be plagiarised is considered null and void, as well as grades, awards, titles and ranks that the person has acquired on the basis of such work.

The institution is obliged to declare null and void all grades, awards, titles and ranks that a person from paragraphs 1 and 2 of this Article acquired at that institution, on the basis of such work.

### **Types of plagiarism**

#### Article 11

Types of plagiarism are: direct plagiarism, self-plagiarism and paraphrasing without reference.

Direct plagiarism (plagiat) is copying part of the text or of the entire text, methods, ideas, algorithms, images, charts from another author, without quotes and quotations in the percentage that is by a special act of the institution set as the percentage required for launch of text-matching check procedure before Ethics Board.

Self-plagiarism is copying of one's own text in parts or in whole without citing the original source and representing it as a completely new work.

Paraphrasing without reference is taking over the overall meaning or individual ideas of someone else's text without citing the source.

### **Other forms of violation of academic integrity**

#### Article 12

Other forms of violation of academic integrity are fabrication in scientific research, falsification in scientific research, contract cheating and quoting out of context.

Fabrication in scientific research is making up data and research results and their publishing as such.

Falsification in scientific research is changing and manipulating data and research results and their publication as such.

Contract cheating entails the purchase of academic papers (seminar, master, doctoral and scientific papers and other writings), writing papers on behalf of someone else and for his/her account entirely or partially.

Quoting out of context is rewriting or paraphrasing by citing the author, but in another context.

### **Ethics Committee**

#### Article 13

Ethics Committee carries out duties on preservation, improvement, safeguarding and promotion of academic integrity as well as on prevention from of all forms of its violation.

The Ethics Committee is appointed and dismissed by the Government of Montenegro for a four year term based on proposal of the line ministry responsible for education.

The public call for members of the Ethics Committee is published by the ministry referred to in paragraph 2 of this Article.

The Ethics Committee has seven members made up of prominent experts in the field of higher education and science from different scientific disciplines.

The manner of work and decision-making of the Ethics Committee is determined by the Rules of Procedure.

### **Ethics Committee's powers**

#### Article 14

Ethics Committee:

- 1) adopts the Charter of Ethics and monitors its enforcement;
- 2) promotes the academic integrity principles;
- 3) decides on the motion for determining the violation of academic integrity for the citizens of Montenegro whose work has published, i.e. the qualification acquired outside Montenegro;
- 4) provides an opinion on regulations and initiatives concerning academic ethics;
- 5) submits an annual report on its work to the Government of Montenegro;
- 6) performs other tasks in accordance with this Law.

### **Charter of Ethics**

#### Article 15

Charter of Ethics is a set of rules, principles and guidelines that promote human, intellectual and academic freedoms, as well as the responsible exercise of rights in science, teaching, artistic and professional work.

### **Ethics board**

#### Article 16

The institution has the Ethics board which is independent in its work.

The Ethics board may establish commissions and other working bodies in the process of investigating academic integrity violations.

The number, composition, mandate, competence, manner of work and decision-making of the Ethics board shall be regulated by an act of the institution.

### **Decision-making of the Ethics board**

#### Article 17

Violations of academic integrity are decided by the Ethics board.

A motion to launch a procedure for establishing violation of academic integrity may be put forward by any natural or legal entity.

The motion referred to in paragraph 2 of this Article, with justification, shall be submitted to the Ethics board of the institution where the academic paper was obtained, qualification acquired, or other form of academic integrity violation was committed.

The Ethics board forms a commission of three members from the same or a related scientific field, depending on the content of the motion referred to in paragraph 2 of this Article.

The commission referred to in paragraph 4 of this Article shall prepare a report with the proposal which Ethics board communicates for response to the person against whom the procedure has been initiated.

The deadline for the response to the report with the proposal of the person against whom the procedure has been initiated is 30 days.

If the person does not respond within the deadline referred to in paragraph 6 of this Article, the Ethics board shall decide.

The Ethics board shall decide within six months from the date of submission of the motion for academic integrity violation, based on the report with the proposal of the commission referred to in paragraph 4 of this Article.

### **Deciding on an appeal to the decision of the Ethics board**

#### Article 18

An appeal against the decision of the Ethics board may be filed with the professional body of the institution within 15 days from the day of delivery of the decision.

The professional body of the institution is obliged to decide on the complaint to the decision within 60 days from the day of complaint delivery.

An administrative dispute may be initiated against the decision of the professional body.

### **Modalities of establishing violations of academic integrity**

#### Article 19

Criteria and modality of establishing academic integrity violations, enforcement procedure and the percentage of text-matching mentioned in the Article 11 of this Law shall be determined by a special act of the institution.

### **Decision-making of the Ethics Committee**

#### Article 20

A motion for establishing the academic integrity violation for citizens of Montenegro whose academic paper is published, or the qualification acquired outside Montenegro can be submitted by any natural or legal entity to the Ethics Committee.

The Ethics Committee shall decide within six months from the day of submission motion for establishing academic integrity violation.

An administrative dispute may be initiated against the decision of the Ethics Committee.

#### Article 21

Cases of violating academic integrity principles which do not constitute violation in terms of Articles 10, 11 and 12 of this Law, shall be decided by Ethics board in accordance with act of the institution.

### **Ethics Declaration**

#### Article 22

When submitting their thesis for defence, researchers, i.e. teachers and associates, all master's and doctoral students shall sign an ethics declaration whereby they confirm that the thesis is their original work which will not give rise to neither criminal nor civil liability.

When being promoted to higher academic rank at the institution, the candidate signs an ethics declaration.

### **Originality check**

#### Article 23

Graduation theses are subject to a verification procedure in accordance with the rules of the institution.

Master's and doctoral thesis are subjected to mandatory verification by the institution.

The candidate is held liable for committed plagiarism, as well as for fabrication and falsification in science and research.

The mentor supervises development of the candidate's thesis, respecting the academic integrity principles in accordance with the rules of the institution.

The method of verification of master's and doctoral thesis is provided by an act of the institution.

### **Student cheating**

#### Article 24

Copying from another student, use of unauthorised means and literature on exams and on other forms of knowledge testing, taking exams and other tests for someone else, as well as other ways of students cheating on exams and other forms of knowledge testing is considered as a violation of academic integrity principles.

Types of academic integrity violations committed by students, procedures for determining the violations and the sanctions are set by the institution.

### **Sanctions for academic integrity violations**

#### Article 25

Sanctions for academic integrity violations are decided in accordance with this law and the general legal acts of the institution.

## III. TRANSITIONAL AND FINAL PROVISIONS

### **Deadline for appointment of the Ethics Committee**

#### Article 26

The Ethics Committee, in accordance with this law, shall be appointed within 90 days from the day of entry into force of this law.

#### **Harmonization of acts of institutions**

##### Article 27

Institutions are obliged to harmonize their organization, functioning and acts with this law within six months from the date of entry into force of this law.

Until the adoption of the acts referred to in paragraph 1 of this Article, the existing general acts of the institution shall apply, if they are not in conflict with this law.

#### **Launched proceedings**

##### Article 28

The procedure for establishing an academic integrity violation that has begun prior to the date of entry into the force of this law shall end according to the regulations under which it was initiated.

#### **Establishment of the Ethics Board**

##### Article 29

The institution is obliged to establish the Ethics board in accordance with this law within six months from the date of entry into force of this law.

Once the Ethics Board is established, the current bodies at the institutions that have been deciding the academic integrity violations cease to function.

#### **Termination**

##### Article 30

On the day this law enters into force, Article 78 of the Law on Higher Education shall cease to be in force ("Official Gazette of Montenegro", No. 44/14, 47/15, 40/16, 42/17 and 71/17).

#### **Entry into force**

##### Article 31

This law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of Montenegro".

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EPA 525 XXVI

Podgorica, 6 March 2019

**Parliament of Montenegro of the 26<sup>th</sup> convocation**

Speaker,

**Ivan Brajović , sr**