

**PROCEDURE**  
**for the Annulment of Decisions of Specialized Academic Councils**  
**to Confer a Research Degree**

**I. General Provisions**

1.1. This Procedure regulates the process of appeal and annulment of decisions of specialized academic councils to confer (refuse to confer) research degrees in cases where academic plagiarism, self-plagiarism, fabrication, falsification, other violations of academic integrity, defined by educational legislation (herewith referred to as violations of academic integrity) are detected in a dissertation (research report, monograph) submitted for defense and/or in research publications that contain the basic research results of a dissertation, and which were submitted for conferral of a research degree.

1.2. The appeal and annulment of a decision of a specialized academic council to confer (refuse to confer) a research degree are performed in accordance with the provisions of the Laws of Ukraine “On Education”, “On Higher Education”, this Procedure, the Statute of the National Agency for Higher Education Quality Assurance (herewith referred to as the National Agency), and other legislative acts. The Law of Ukraine “On Citizen’s Appeals” is applied to proceedings in parts not regulated by the Laws of Ukraine “On Education”, “On Higher Education” and by this Procedure.

1.3. Higher education institutions (research institutions) ensure enforcement of the right to appeal against the decision of a specialized academic council to confer (refuse to confer) a degree, in particular by means of official publication of data on their official websites in an open data format and in a section that contains information about the work of specialized academic councils, their decisions to confer (refuse to confer) degrees, and they submit such decisions in electronic form to the National Agency within three working days of date of adoption. The National Agency publishes decisions of specialized academic councils to confer (refuse to confer) degrees on its official website within the following day of the date such decisions are received.

1.4. Information and documents that are published on the official website of the National Agency that detail the process and results of consideration of questions on the

annulment of decisions of specialized academic councils to confer a research degree are circulated in an open, free, direct and unauthorized access format that allows downloads.

1.5. To facilitate identification of the presence or absence of violations of academic integrity in dissertations (research reports, monographs submitted for defense) and/or in research publications that contain the basic research results of a dissertation and which were submitted for conferral of a degree, the National Agency has the right to form a registry of experts, to engage experts from the registry, to form expert groups (including those that involve foreign experts), to request necessary information from the central body of executive power in the field of education and science, UkrISTEI, other governmental and non-governmental bodies, institutions, organizations.

## **II. Consideration of an Appeal against the Decision of a Specialized Academic Council to Confer a Research Degree by the Ethics Committee of the National Agency**

2.1. Any person has the right to apply to the Ethics Committee of the National Agency (hereinafter referred to as the Ethics Committee) to appeal against the decision of a specialized academic council to confer (refuse to confer) a degree in cases where violations of academic integrity in a dissertation (research report, monograph) submitted for defense and/or in research publications that contain the basic research results of a dissertation and which were submitted for conferral of a degree are detected. Natural persons exercise the specified right personally or through a representative, legal persons exercise it through authorized representatives, public authorities, local self-governing authorities, and non-governmental associations – through their managers or representatives. The submitted appeal cannot be withdrawn.

In cases where violations are identified in mass media or other sources, a member of the National Agency has the right to initiate appropriate proceedings.

2.2. From the day this Procedure comes into force, in case of an appeal to the Ethics Committee against the decision of a specialized academic council to confer (refuse to confer) a degree taken after September 6, 2014, on questions defined by paragraph 2.1 of the Procedure, consideration and settlement of the appeal are accomplished according to the regulations of this Procedure.

2.3. If an appeal against the decision of a specialized academic council to confer (refuse to confer) a degree taken between August 24, 1991 and September 5, 2014, on questions defined by paragraph 2.1 of this Procedure, comes before the Ethics Committee, its consideration and settlement are accomplished according to the regulations of this Procedure. However, in such cases, although the Ethics Committee can make a submission, and the National Agency may make a determination related to a violation of academic integrity in a particular dissertation (research paper, monograph) and/or in research publications that contain the basic research results of a dissertation and which were submitted for conferral of a degree, the establishment of such a fact does not lead to negative consequences enumerated by paragraphs 4.12, 4.15-4.17 of this Procedure, but may be taken into account by the National Agency during accreditation of educational programs, institutional accreditation or realization of other legal powers, and such determination of violation of academic integrity is reported to the head of the establishment, enterprise, institution, organization where the relevant person works, or if the relevant person is a top-manager, the relevant determination is reported to the manager of the supreme body.

In such cases, revocation of a degree takes place in accordance with the legislation of Ukraine and is submitted by the National Agency to the authoritative central body of executive power in the field of education and science.

2.4. The Ethics Committee considers appeals of decisions of specialized academic councils not more than two months from the day of their receipt. The Ethics Committee may prolong this term for 30 days if there is a need for additional examination of circumstances and/or material of a case, carrying out an expert examination. If an additional expert examination is carried out, the time for its execution is not included in the term of consideration of the appeal by the Ethics Committee.

2.5. An appeal related to questions within the area of competence of the Ethics Committee is submitted in written form; it includes the name and address of the National Agency and is forwarded to the Secretariat. The Secretariat of the National Agency conveys the appeal to the Committee on Ethics within three days.

After the National Agency takes the decision to launch operation of the appropriate service, an appeal can be also submitted using a qualified electronic signature (hereinafter referred to as the QES).

## 2.6. The appeal must include:

- the name of the body to which the complaint is being submitted;
- the family name, name and patronymic (if appropriate) of the person who submits the complaint, their place of residence (temporary residence), contact details (electronic address, phone numbers, etc.);
- the date of the decision which is being appealed and its number (if known to the complainant);
- the family name, name and patronymic (if appropriate) of the author and the title of the dissertation (research report, monograph submitted for conferral of a degree) and/or research publication(s) that was (were) submitted for conferral of a degree and which contain(s) the basic research results of the dissertation, the year of defense, the name of the specialized academic council;
- the reasons why the complainant disagrees with the decision of the specialized academic council as well as materials and/or documents that support these reasons (in case of academic plagiarism, the complainant submits a comparative table indicating the text of the defended dissertation (research publication) and the corresponding texts of sources of the research (artistic) results published by other persons as the results of their own research (creative activity) and/or reproduction of published texts (published pieces of art) of other authors without indicating authorship;
- petition as to the requested decision sought as a result of the consideration of the complaint;
- signature of the person submitting the complaint and date of such signature (except for the cases when the appeal is submitted using the QES).

If a representative of the complainant submits the appeal, a document confirming his/her authority must be attached (if the appeal is submitted using the QES, a scanned copy of such document is to be attached).

If necessary, other documents referring to the substance of the appeal are attached.

2.7. Preliminary consideration of the appeal is undertaken by a rapporteur appointed by the Head of the Ethics Committee within ten days of the date of receipt of the appeal by the National Agency.

According to the results of such preliminary consideration, the rapporteur presents for consideration to the Ethics Committee a recommendation to leave the appeal without consideration or to undertake proceedings.

2.8. The Ethics Committee may decide to leave the appeal without consideration if:

- the appeal is not endorsed by a signature or does not include a family name, a name, a patronymic (if relevant) of the complainant;
- the appeal does not include information about the place of residence (a place of temporary residence, location) of the complainant;
- the appeal does not include materials and/or documents that justify the reasons of the appeal (in case of academic plagiarism – does not include tables indicating the text of the defended dissertation (research publication) and the corresponding text of sources of the research (artistic) results achieved by other persons as results of their own research (creative activity) and/or reproduction of published texts (published pieces of art) of other authors without indicating authorship);
- the dissertation (research report, monograph) with the name indicated in the appeal was not submitted for defense in Ukraine;
- there is a court judgment, which has come into legal force, canceling (invalidating) the decision of the specialized academic council that duplicates the appeal submitted to the Ethics Committee by the person or other entity;
- the appeal contains statements expressed in obscene form or statements demeaning to the honor and dignity of any person.

2.9. If a court opens proceedings related to the claim of a person to nullify (invalidate) the decision of a specialized academic council concerning the conferral (refusal to confer) of a degree, any relevant proceedings related to an appeal submitted to the Ethics Committee due to a violation of academic integrity are suspended.

A court judgment that has come into legal force that nullifies (invalidates) a decision of a specialized academic council to confer (refuse to confer) a degree is a reason for the Ethics Committee to leave the relevant appeal related to violations of academic integrity without consideration.

2.10. If there are no reasons for leaving the appeal without consideration, the Ethics Committee takes the decision to open proceedings and demand a copy of the

attestation case of the applicant from the central body of executive power in the field of education and science or the relevant specialized academic council.

2.11. If necessary, the Ethics Committee entrusts the Secretariat of the National Agency to carry out additional expert examination of the appeal and related materials either simultaneously with the opening of proceedings or after taking such a decision.

2.12. Any additional expert examination of the appeal materials may be entrusted to experts selected from the registry of the National Agency who have been certified according to the procedure approved by the National Agency. The National Agency provides experts with all necessary materials for their work, remunerates them, and if necessary, covers costs incurred due their travel.

2.13. Within five working days of the date proceedings are opened, the Secretariat of the National Agency ensures publication of information concerning the appeal regarding which the proceedings were opened, on the official web-site of the National Agency and sends a message about the opening of such proceedings, a copy of the appeal and attached materials to the higher education institution, in the specialized academic council of which the decision to confer (refuse to confer) the relevant degree was taken. The person against whom the claim concerning a violation of academic integrity has been brought forth, and other participants of the case identified in subparagraph 3 of paragraph 2.27 of this Procedure, have the right to be acquainted with the materials of the appeal in the National Agency or in a higher education institution at any time. Such persons have the right to submit to the National Agency written explanations related to the submitted appeal no later than 10 working days before consideration of the appeal at a meeting of the National Agency.

2.14. The rapporteur, having deemed collection of materials related to the examination of the appeal sufficient for its material consideration, drafts a motivated conclusion and submits the question for consideration at a meeting of the Ethics Committee of the National Agency.

2.15. The person against whom a matter related to his/her violation of academic integrity, and any other participants of the case, are informed at least 5 working days in advance of any relevant meeting of the Ethics Committee, but nonappearance of such participants, if properly informed of the meeting of the Ethics Committee, does not preclude consideration of the appeal.

2.16. Information about the date, time and place of the meeting of the Ethics Committee and the order of business of the meeting are published on the website of the National Agency at least 5 working days in advance. Within the same timeframe, the Secretariat ensures that all information about appeals to be presented for consideration, is published on the official website of the National Agency, and sends information concerning the meeting to the higher education institution, the specialized academic council of which the decision to confer (refuse to confer) a degree was taken. Participants of the case are considered to have been properly informed about the date, time and place of the meeting on the day of publication of the relevant announcement on the official website of the National Agency.

2.17. The person, concerning whom a case related to violation of academic integrity has been raised, and other participants of such a case, have the right to provide personally or through a representative oral and written explanations, or to refuse to provide explanations, concerning any possible violation of academic honesty.

2.18. The legitimacy of any representatives must be acknowledged according to the demands of the legislation. Originals of documents or their properly notarized copies must be attached to the case.

2.19. The submitted appeal, materials relating to its examination and the conclusion of the rapporteur are considered at the meeting of the Ethics Committee according to the order established by the Statute on Committees of the National Agency, taking into account peculiarities established by this Procedure.

2.20. If a member of the Ethics Committee has a real or potential conflict of interest or if there are other grounds that might indicate his/her prejudice during consideration of the appeal, he/she is withdrawn from consideration of the relevant question by a decision of the Ethics Committee.

The decision about withdrawal of a member of the Ethics Committee is taken on the basis of an application of a participant of the proceedings submitted no later than 2 working days before start of the relevant meeting. A decision may also be taken based on an applicant for self-withdrawal.

A member of the Ethics Committee may not participate in deliberations related to the question of his/her withdrawal or self-withdrawal.

2.21. Consideration of an appeal by the Ethics Committee begins with the report of the rapporteur who expounds the grounds for accepting the materials of the case for

consideration, presents the established and investigated circumstances, conclusions concerning the substance of the question.

2.22. Participants invited to the meeting and participants of the case under consideration provide explanations, answer questions only after the chairman of the meeting of the Ethics Committee gives them the floor.

2.23. If a person violates norms of order during a meeting, the chairman may issue a warning as to the necessity to abide by order. If attendees of the meeting prevent its due conduct, the chairman can take a motivated decision to deprive them of the right to attend.

2.24. When a question is being considered during a meeting of the Ethics Committee in the absence of an invited person, the rapporteur announces his/her written explanations (if any).

2.25. During consideration of a case, no single document related to the presence or absence of violations of academic integrity in a dissertation (research report, monograph, research articles), irrespective of its source, is considered decisive and cannot be taken into account without consideration of other documents related to a decision taken according to this Procedure.

2.26. Consideration of an appeal against the decision of a specialized academic council to confer (refuse to confer) a degree, the Ethics Committee may result in one of the following decisions or combination of decisions:

- submission to the National Agency of a request to nullify the decision of a specialized academic council to confer a degree due to revelations of violations of academic integrity in a dissertation or research publications submitted in fulfilment of the requirements to confer a degree;

- submission to the National Agency of a request to reprimand the research supervisor (advisor), official opponents who provided positive conclusions concerning the research paper, the head of the specialized academic council, members of the one-time specialized academic council, the higher education institution (research institution) in accordance with the provisions of the Law of Ukraine "On Higher Education" that concern violations of academic integrity in a defended dissertation (research report, monograph) and/or research publications that present the basic research results of a dissertation and were submitted for conferral of a degree;



- submission to the National Agency of a determination as to the absence of grounds for nullifying the decision of the specialized academic council to confer the degree (nullifying the decision of a specialized academic council to refuse to confer a degree) due to the absence of established violations of academic integrity in a dissertation, research report, monograph or research publications submitted for conferral of a degree;

- submission to the National Agency of a request to establish the presence of academic dishonesty in a specific dissertation (research report, monograph) and/or research publications that present the basic research results of a dissertation that were submitted for conferral of a degree.

### **III. Procedure for Taking Decisions by the National Agency on Submissions of the Ethics Committee**

3.1. Submissions of the Ethics Committee are considered at meetings of the National Agency.

3.2. Voting during meetings can be closed or open, according to the decision of the members of the National Agency present at the meeting.

3.3. Apart from members of the National Agency, employees of the Secretariat of the National Agency, participants of a case which is being considered, representatives of the Ministry of Education and Science of Ukraine, heads and representatives of higher education institutions (research institutions), specialized academic councils, non-governmental associations, mass media have the right to be present at the meeting of the National Agency, on the condition of pre-registration and/or invitation.

3.4. The person, concerning whom a question is under consideration by the National Agency, and the complainant are informed of the date, time and place of such consideration at least five working days in advance of its start by the appropriate department of the Secretariat of the National Agency.

3.5. The information about the date, time and place of the meeting of the National Agency and the order of business of the meeting are published on the website of the National Agency at least five working days in advance of its start. Within the same timeframe, the National Agency informs the higher education institution, in a specialized academic council of which the decision to confer (to refuse to confer) a

degree was taken, of the meeting. Participants of the case are considered to have been properly informed about the date, time and place of the meeting on the day the relevant announcement is published on the official website of the National Agency.

3.6. Persons invited by the National Agency can participate in the consideration of a question (case) independently and/or through their representatives.

3.7. The authority of representatives must be confirmed according to the demands of legislation. The originals of relevant documents or their properly certified copies are attached to the case.

3.8. Nonappearance of a person concerning whom a question of violation of academic integrity is being considered by the National Agency on the submission of the Ethics Committee, or his/her representative provided that they are properly informed about the date, time and place of the meeting (by mail, e-mail or facsimile, telephone or telegram), does not prevent consideration of a question on its substance.

3.9. Participants of the meeting of the National Agency are registered as a matter of course.

3.10. Participants of the meeting of the National Agency and persons invited to the meeting are forbidden to interrupt rapporteurs and other speakers, comment on reports and speeches, make remarks and prevent the meeting of the National Agency in other ways. They have the right to comment on reports and speeches after being given the floor by the chair.

3.11. Based on the results of consideration of a submission of the Ethics Committee, the National Agency comes to one of the following decisions or combination of decisions:

- to adopt (not adopt) the submission of the Ethics Committee and nullify the decision of a specialized academic council to confer a degree due to a revelation of a violation of academic integrity in a dissertation (research report, monograph) and/or research publications that contain the basic research results of a dissertation; to leave the decision of a specialized academic council unchanged;

- to adopt (not adopt) the submission of the Ethics Committee and nullify the decision of specialized academic council to refuse to confer a research degree due to a revelation of a violation of academic integrity in a dissertation (research report, monograph) and/or research publications that contain the basic research results of a dissertation; to leave the decision of a specialized academic council unchanged;

- to adopt (not adopt) the submission of the Ethics Committee and to deprive a research supervisor (consultant) and/or official opponents who submitted positive reviews of a body of research, and/or the head of the relevant specialized academic council, of the right to participate in the work of specialized academic councils for two years, and the higher education institution (research institution) of accreditation of its permanent specialized academic council and the right to create one-time specialized academic councils for one year in cases where violations of academic integrity in a dissertation (research report, monograph) and/or research publications that include basic scientific results of a dissertation are detected, provided that the defense took place in a permanent specialized academic council;

- to adopt (not adopt) the submission of the Ethics Committee and deprive a research supervisor and/or official opponents that provided positive reviews of a body of research, and/or members of the relevant one-time specialized academic council to participate in the work of specialized academic councils for two years, and the higher education institution (research institution) of the right to create one-time specialized academic councils for one year, in cases where violations of academic integrity in a dissertation (research report, monograph) and/or research publications that include the basic research results of a dissertation are detected, provided that the defense took place in a one-time specialized academic council;

3.12. Any payments, allowances, encouragements or other payments, as well as non-material benefits to a person resulting from conferral of a research degree, are terminated on the day a decision of a specialized academic council to confer a degree to that person is nullified by the National Agency.

The National Agency makes a submission to the authorized central body of executive power in the field of education and science recommending the revocation of a degree. The central body of executive power in the field of education and science revokes such an order (in whole or in part) no later than on the tenth working day from the date of receipt of the submission from the National Agency.

3.13. Decisions of the National Agency, adopted as a result of consideration of the submission of the Ethics Committee, are published on the official website of the National Agency. Copies of decisions of the National Agency are given or sent to the complainant or his/her representative, the person who submitted the dissertation, the

specialized academic council, the higher education institution (research institution) within seven days from the date of adoption.

3.14. Any person who applied with an appeal and any person regarding whom the conferral of a research degree was nullified by the National Agency, have the right to be acquainted with the generalized decision of the National Agency after its decision to annul the decision of a specialized academic council to confer (refuse to confer) a degree. Copy of any such decision is provided on demand within a period of one month.

3.15. If the decision of a specialized academic council to refuse to confer a degree is nullified by the National Agency due to non-detection of violations of academic integrity in a dissertation (research report, monograph) and/or research publications that include the basic research results of a dissertation, such a dissertation may be resubmitted for defense by a research degree candidate to another specialized academic council provided that different opponents for its consideration are appointed.

3.16. If the decision of a specialized academic council to refuse to confer a degree is nullified by the National Agency due to a detection of violations of academic integrity in a dissertation (research report, monograph) and/or research publications that include the basic research results of a dissertation, such a dissertation may not be resubmitted for defense.

3.17. Costs, incurred by the National Agency during the examination of an appeal that was found to be deliberately unreasonable and included deliberately false information, may be recovered from the complainant through judicial procedures on the basis of article 27 of the Law of Ukraine “On Citizens’ Appeals”.

#### **IV. Appeals Against Decisions of the National Agency**

4.1. Any decision of the National Agency resulting from the consideration of a submission of the Ethics Committee may be appealed according to the appeals procedure defined and promulgated by the National Agency. In the process of consideration of an appeal, the National Agency may issue a reasoned decision to allow an appeal in whole or in part, or to leave the submitted appeal unexamined.

4.2. The decision of the National Agency can be appealed according to established procedure in court.

#### **V. Final Provisions**

5.1. The Ethics Committee starts consideration of appeals against decisions of specialized academic council to confer (refuse to confer) degrees within two months of the date this Procedure comes into force.

5.2. A person with a degree may renounce his/her own degree at any time, but not later than the beginning of a consideration by the Ethics Committee of an appeal against him/her, by submitting a relevant notarized application in arbitrary form to the National Agency. Within five working days from the day the application is received, the Ethics Committee makes a submission to the National Agency regarding the annulment of the decision of the specialized academic council to confer a degree to the relevant person and to revoke the degree.

5.3. The National Agency nullifies the decision of a specialized academic council to confer a research degree to a person by its own decision at its nearest meeting, and makes a submission aimed at depriving such a person of a degree to the authoritative central body of executive power in the field of education and science.

The central body of executive power in the field of education and science nullifies such a decision (fully or its relevant part) not later than on the tenth working day from the day such a submission is received from the National Agency.

5.4. In cases where the decision of a specialized academic council to confer a research degree to a person is nullified due to his/her voluntary application, examination of the presence of violations of academic integrity in a dissertation (research report, monograph submitted for conferral of a degree) and research publications that were submitted for conferral of a degree and which include the basic research results of a dissertation is not conducted.

5.5. Revocation of a research degree on a person's own initiative is considered to be a manifestation of academic integrity.