

**Law of Ukraine**  
**On Academic Integrity**

**Preamble**

This Law establishes a core framework for ensuring academic integrity in education and science.

The Law is grounded in the widely accepted among global community standards and principles of honesty and probity, objectivity, professionalism, mutual respect and trust, zero tolerance of any breach of academic integrity, responsibility, transparency and public visibility, legality, fairness, academic freedom, common sense and others, as defined in this law and internal statutes of education or research institutions.

**Section I. General Provisions**

Article 1. The concepts of academic integrity and academic text

1. Academic integrity is a set of ethical principles and rules defined by law for the pursuit of educational (educational and creative) and scientific (research and development) activity that are compulsory for all participants (actors) of such activity, aimed to ensure confidence in learning outcomes, creativity, research and development.
2. Academic (educational, educational-scientific, scientific) text is a textual or illustration publication, creative work or other intellectual property item created in the process of educational (educational and creative) and scientific (research and development) activity, in particular but not limited to the purpose of admission to a study program, completion of a study program or some of its components, passing of attestation, award of qualification, research degree (doctor of arts degree), pedagogical, academic or other title, participation in competition, recording and publication of scientific (research and development) results, teaching and methodological activity.
3. Academic integrity shall be recognized as the underpinning value for relations in academic settings.

Article 2. Legislation on academic integrity

1. Legislation on academic integrity is based on the Constitution of Ukraine and comprises this Law, the Laws of Ukraine “On Higher Education”, “On

Education”, other laws of Ukraine and legislative acts adopted for their implementation, Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG), approved by the Ministerial Conference in Yerevan, 14-15 May 2015, and international agreements of Ukraine adopted according to the procedure established by law.

2. Legislation on copyright and related rights shall apply to relations in the area of academic integrity assurance in parts not regulated by this Law.

### Article 3. General principles of academic integrity assurance

1. The principle of honesty and probity with regard to academic integrity compliance shall mean systemic prevention of academic misconduct in the course of own activity by all participants of the process of obtaining and delivery of education services, research activity, and implementation of public policy on education quality.

2. The principle of objectivity shall require having pre-defined rules of academic integrity compliance, types of academic misconduct, procedures for review to establish presence or absence of academic misconduct, types of liability, and equal applicability of all above-listed elements for all actors.

3. Professionalism shall mean active actions to maintain high level of competency by each participant of the academic integrity assurance process.

4. Mutual respect of all participants of the process of obtaining and delivery of education services, research activity, and implementation of public policy on education quality shall be demonstrated towards ideas and dignity of others, their physical and mental health, encouragement of collegiality and cooperation. Respect shall be manifested as confidence in each other’s honesty and decency, free from fear that one’s products and outputs could be illegally appropriated, career ruined, and reputation smeared by groundless accusations of academic misconduct or penalty imposed in the absence of proven misconduct according to the established procedure.

5. The principle of zero tolerance of any breach of academic integrity shall mean that all participants of education and research activity recognize the importance of academic integrity and do not accept tolerance of any breach. All cases of academic misconduct shall be subject to mandatory review according to procedures defined by this Law and/or internal statutes of an education or research institution.

6. The principle of responsibility as part of academic integrity shall mean the ability to take responsibility for one’s products and outputs, deliver on undertaken commitments, oppose academic dishonesty and misconduct and set example of decent behavior.

7. Transparency and public visibility in academic integrity assurance shall be achieved through accessibility of information and shall stipulate that all participants of the process of obtaining and delivery of education services, research activity, and implementation of public policy on education quality shall be obliged to act in an open and comprehensible manner.

8. The principle of legality shall mean that all participants of the process of obtaining and delivery of education services, research activity, and implementation of public policy on education quality shall respect the Constitution and laws of Ukraine, international standards and urge others to do so.

9. The principle of fairness in academic integrity assurance shall mean unbiased, equal treatment of all participants of the process of obtaining and delivery of education services, research activity, avoidance of discrimination and dishonesty.

10. The principle of academic freedom shall mean autonomy and independence of participants of the education process in the course of pedagogical, research pedagogical and research and/or innovation activity pursued based on the principles of freedom of expression, thought and creativity, dissemination of knowledge and information, free publication and use of scientific research results, with consideration of limitations established by law and compulsory observance of academic integrity rules.

11. The principle of common sense while deciding on the presence or absence of academic misconduct and determining the type of academic liability shall imply the necessity to reasonably apply the norms of both statutory and procedural law, take into consideration the violator's attitude to the event and reasonable correlation between severity of academic misconduct and consequences when deciding on the type of academic liability.

#### Article 4. Actors ensuring academic integrity

1. Education and research institutions shall bear primary responsibility for academic integrity assurance by:

1) creating an environment that promotes academic integrity among staff members and learners;

2) putting in place mechanisms to detect academic misconduct and impose academic liability.

2. The State Service on Education Quality of Ukraine shall support academic integrity in implementation of public policy on education, in particular with regard to state oversight (control) of education institutions, within the scope of given powers.

3. The National Agency on Higher Education Quality Assurance shall support academic integrity by:

- 1) formulating requirements for the system of higher education quality assurance, criteria for assessment of quality of education activity, including research accomplishments, of Ukrainian higher education institutions that can be used to compile rankings of Ukrainian higher education institutions;
  - 2) reviewing quality of education activity pursued by higher education institutions during accreditation of education programs, accreditation of specialized academic councils and control of their activity, other accreditation procedures;
  - 3) defining requirements for the level of research qualification of persons seeking research degrees and elaborating procedures for specialized academic councils of higher education institutions (research institutions) to award degrees, review of requests, applications and complaints with regard to activity and decisions of specialized academic councils;
  - 4) review of issues related to academic misconduct as well as exercise of other powers defined by Ukrainian legislation.
4. The Ministry of Education and Science of Ukraine within the implementation of public policy on education.

## **Section II. Key requirements of academic integrity**

Article 5. Compliance with academic integrity requirements in creation of academic texts

1. Author (co-author) of an educational (educational-scientific, scientific) piece of work is a person who have made personal intellectual contribution to the research, participated directly in its production and bears responsibility for its content.

Publication of an educational (educational-scientific, scientific) piece of work should include indication of all of its authors. It shall not be allowed to indicate a person who does not meet the criteria specified in paragraph one of this part as author of an educational (educational-scientific, scientific) piece of work.

When other persons who are not named as authors of an educational (educational-scientific, scientific) piece of work participated in research or creation of this piece of work, it should be acknowledged therein, specifying each person's contribution.

2. An educational (educational-scientific, scientific) piece of work must contain credible information about utilized methods, data sources, research findings and obtained scientific (research and development) results.

3. Whenever research and/or creation of an educational (educational-scientific, scientific) piece of work involved the use of products and scientific (research and development) results belonging to other individuals, this should be stated in an

educational (educational-scientific, scientific) piece of work with reference to their publication source.

The use of commonly known facts or ideas does not require specific referencing.

4. All textual borrowings used in an educational (educational-scientific, scientific) piece of work (with the exception of standard textual cliches) should be specified and accompanied by reference to the source. Textual borrowings should be marked in such a way as to allow for their clear distinction from the author's (authors') own text.

5. Whenever the author(s) uses their own products or scientific (research and development) results that were published earlier, they should specify this in an educational (educational-scientific, scientific) piece of work.

#### Article 6. Compliance with academic integrity requirements for learners and admission candidates

1. Learners and admission candidates must complete admission, formative, summative, qualification, competition and other types of assignments on their own. Autonomy in assignment completion means that it should be executed:

1) for individual assignments – by a learner him/herself, and for groups assignments – only by a specified group of learners, without interference of others, under supervision and control by teachers designated as supervisors, and approved according to regulations of education (research) institutions with consideration of individual needs and possibilities of persons with special education needs;

2) if conditions or nature of an assignment stipulate restrictions with regard to possible information sources – without use of information sources that are not allowed.

2. If assignment completion involves creation of an academic text, it should be created meeting the requirements specified in Article 5 of this Law.

3. Learners and admission candidates must respect dignity, rights, freedoms and legitimate interests of all participants of education process and comply with ethical norms.

#### Article 7. Compliance with academic integrity requirements in assessment

1. Assessment in education and science should meet the requirements of objectivity, validity and fairness.

2. Assessment is objective if it is based on pre-defined criteria.

3. Assessment is valid if it is performed according to criteria defined by Ukrainian legislation or entities of external (internal) quality assurance in education.

4. Assessment is fair if it is performed without conflict of interest, discrimination or undue influence on the assessor.

Article 8. Compliance with academic integrity requirements in pedagogical, research pedagogical and research activity

1. Pedagogical, research pedagogical and research staff are obliged to comply with academic integrity requirements in the course of their pedagogical, research pedagogical and research activity, and control compliance by learners and admission candidates.

2. Whenever pedagogical, research pedagogical and research staff become aware of academic misconduct committed by other pedagogical, research pedagogical and research staff member, learner or admission candidate, they shall be obliged to:

1) take action to stop misconduct;

2) report misconduct to a competent authority or official.

3. Pedagogical, research pedagogical and research staff shall be obliged to provide credible information about research methods and results, sources of information used, own pedagogical, research pedagogical and research activity, in particular for the attainment research degree (doctor of arts degree), award of pedagogical, academic or other title, passing of attestation.

Article 9. Compliance with academic integrity requirements in relations involving education (research institutions)

1. Education (research institutions) shall be obliged to provide credible information about own activity and activity of their pedagogical, research pedagogical and research staff in relations with their founders, education and research authorities as well as other institutions.

2. Education (research institutions), with the help of their internal quality assurance systems, are to create conditions to minimize possibilities for academic misconduct, actively ensure and encourage academic integrity compliance by all participants of education and research activity during implementation of education programs, carrying out research and publication of research results, pursuit and defense of dissertation research, and shall be obliged to respond to any form of academic misconduct.

Article 10. Compliance with academic integrity requirements in expert activity

1. Persons among employees and students of education and research institutions, engaged in expert activity within the procedures of external quality assurance (accreditation, audit, etc.), state oversight (control) in the field of education,

attestation of research institutions, other procedures in the field of education, shall be obliged to perform their functions in accordance with law, in good faith and without bias.

2. Bodies ensuring corresponding procedures may establish additional requirements for academic integrity of engaged persons.

### **Section III. Means of ensuring academic integrity**

#### Article 11. Ensuring academic integrity in education and research institutions

1. Education and research institutions, regardless of their subordination and ownership form, shall be obliged to abide by the established academic integrity policy and procedures that are part of their academic culture and internal quality assurance systems.

2. Academic integrity policy and procedures shall be defined in a code of ethics (honor code, academic integrity code, etc.) approved by a collegial governing body of an education or research institution, agreed with a student self-government body of a respective education or research institution (if available) as regards students' responsibility.

3. Code of ethics should define:

- 1) institutional policy on academic integrity and its implementation measures;
- 2) organizational system of academic integrity assurance, procedure governing establishment, functions and powers of special bodies (commissions, committees, boards, etc.) on academic integrity and division of functions and responsibilities in this area between other bodies and officials of education and research institutions;
- 3) procedure for detection of academic misconduct and bringing to academic liability, taking into consideration requirements set forth in this Law.

Code of ethics may also contain other provisions relating to academic integrity assurance in education and research institutions.

4. Education and research institutions shall be obliged to conduct compliance checks against the requirements set forth in this Law with regard to academic texts that:

- 1) are created by their employees and students;
- 2) published in journals established or endorsed by these institutions.

Special soliciting of author's (authors') consent to use academic texts in order to check compliance with the requirements set forth in this Law shall not be required.

5. Education and research institutions shall be obliged to ensure compliance with the requirements set forth in this Law in the course of education process, including assessment of learners.

6. Education and research institutions shall include in their programs dedicated education components or elements on academic integrity, academic writing skills, and take other measures to promote academic integrity.

7. Education and research institutions should have procedures in place regulating liability and types of sanctions for pedagogical, research pedagogical and research staff as well as students who disregard academic integrity requirements, thus putting into question the process and results of education and research activity of these institutions in the accreditation and licensing context.

8. Education and research institutions shall be responsible for academic integrity of their pedagogical, research pedagogical and research staff as well as students. Failure to identify and combat academic misconduct through internal academic integrity policies shall provide grounds for engaging actors of external quality assurance in higher education to agree on an action plan aimed to align internal quality assurance systems with the requirements of this Law.

#### Article 12. External evaluation of academic integrity systems

1. Information about functioning of academic integrity systems shall be included in the report on activity of an education or research institution submitted to its founder.

2. Evaluation of academic integrity systems in education institutions is part of procedures of external quality assurance (accreditation of education programs, institutional audit, institutional accreditation).

#### Article 13. Ensuring academic integrity during competitions and Olympiads

1. The rules of competitions and Olympiads in education and science must include requirements for academic integrity compliance by participants, jury, and other persons engaged.

2. Ensuring academic integrity during competitions and Olympiads shall be the responsibility of organizers.

#### Article 14. Ensuring academic integrity in awarding of qualification, research degree (doctor of arts degree), pedagogical, academic or other title, assignment of qualification category

1. Ensuring academic integrity in awarding of qualification (education qualification level), pedagogical, academic or other title, assignment of

qualification category shall be the responsibility of an entity that awards qualification (title, category).

2. Ensuring academic integrity in awarding of research degree (doctor of arts degree) shall be the responsibility of a corresponding specialized academic council (specialized academic council awarding doctor of arts degree) and a higher education (research) institution where the defense is conducted.

#### **Section IV. Academic misconduct**

##### Article 15. Types of academic misconduct

1. Academic misconduct includes academic plagiarism, misuse of results of educational (educational and creative) or scientific (research and development) activity, deception, fabrication, falsification and theft of authorship, contract cheating, non-autonomous completion of assignment, breach of assessment requirements, undue influence and undue advantage, failure to identify and combat academic misconduct.

##### Article 16. Academic plagiarism, misuse of results of educational (educational and creative) or scientific (research and development) activity

1. Academic plagiarism shall mean creation of an academic text in breach of parts three and four of Article 5 hereof.

2. Misuse of results of educational (educational and creative) or scientific (research and development) activity shall mean creation of an academic text in breach of part five of Article 5 hereof in order to reach quantitative indicators required for successful attestation, validation of qualification, gaining of research degree, academic title, or position.

##### Article 17. Deception, fabrication, falsification and theft of authorship

1. Deception shall mean knowing provision of untrue information about educational (educational and creative) or scientific (research and development) activity.

2. Fabrication is a form of deception that involves making up of data or facts about educational (educational and creative) or scientific (research and development) activity.

3. Falsification is a form of deception that involves intentional alteration or modification of already existing data on educational (educational and creative) or scientific (research and development) activity.

4. Theft of authorship is a form of deception that involves claiming of somebody else's academic text as own, including contract cheating.

#### Article 18. Contract cheating

1. Contract cheating shall mean paid or unpaid creation of an academic text or part of an academic text to be further used by a third party as own, when the author of such text is aware or, by all circumstances, cannot be unaware of such purpose.

#### Article 19. Non-autonomous completion of assignment

1. Non-autonomous completion of assignment shall mean completion of assignment by student or admission candidate in breach of part one of Article 6 hereof.

2. Non-autonomous completion of assignment can involve:

- 1) copying somebody else's work;
- 2) getting unauthorized assistance;
- 3) completion of assignment by another person.

#### Article 20. Breach of assessment requirements

1. Breach of assessment requirements shall mean breach of requirements set forth in Article 7 hereof.

2. Breach of assessment requirements can involve:

- 1) provision of unauthorized assistance during assessment;
- 2) creating obstacles that are not stipulated by assessment conditions and/or procedures;
- 3) failure to respond to non-autonomous completion of assignment.

#### Article 21. Undue influence and undue advantage

1. Undue influence shall mean any kind of influence (request, urging, order, threat, coercion, bribery) or attempt to exert influence on a participant (actor) of educational (educational and creative) or scientific (research and development) activity to incite breach of academic integrity.

2. Undue advantage shall mean obtaining by a participant (actor) of educational (educational and creative) or scientific (research and development) activity of any material or non-material benefit in return of their breach of academic integrity.

#### Article 22. Failure to identify and combat academic misconduct

Failure to identify and combat academic misconduct shall refer to situations when external quality assurance bodies register and establish academic misconduct

following the procedures set forth by this Law, when an education or research institution refused to review a reported academic misconduct, or review took place but without establishing the fact of misconduct, or the fact of misconduct was established but without application of sanctions stipulated by the Law and (or) internal rules of an education (research) institution.

## Section V. Addressing academic misconduct

### Article 23. Liability for academic misconduct

1. Academic misconduct shall be addressed through bringing to academic liability and other response measures.
2. Academic liability is a special form of legal liability applied for academic misconduct to students, pedagogical, research pedagogical and research staff, education and research institutions, in accordance with this Law, by education and research institutions, National Agency on Higher Education Quality Assurance.
3. Other types of response measures include disciplinary actions stipulated by applicable statutes and regulations, revocation of education (research) institution's license, denial of program accreditation, etc.

### Article 24. Academic liability of students

1. Academic misconduct specified in Articles 16-21 hereof shall entail academic liability for students in the form of:
  - 1) warning – for the first instance of academic misconduct specified in Articles 19-21 hereof;
  - 2) repeating an assignment and/or assessment (including summative assessment or attestation) – for academic misconduct specified in Article 19 hereof;
  - 3) repeating a respective education component of a program – for academic misconduct specified in Articles 16, 17, 19, part one of Article 21 hereof, committed for the second time while completing a respective education component of a program;
  - 4) withdrawal of academic stipend for up to one academic year – for academic misconduct specified in Article 18 or part two of Article 21 hereof or other academic misconduct specified in Articles 16-21 hereof committed for the second time during an academic year;
  - 5) non-eligibility for participation in scholarship or grants competitions and academic mobility supported by an education (research) institution a student is enrolled at, for the period up to one academic year – for academic misconduct specified in part two of Article 21 hereof or other academic misconduct specified in Articles 16-21 hereof committed for the second time;

6) withdrawal of tuition fee waiver and/or other preferences granted by an education (research) institution – for academic misconduct specified in Articles 16-21 hereof committed for the second time during an academic year, according to the procedure stipulated by an act that awards waiver or preferences;

7) expulsion from an education (research) institution (with the exception of students attaining general secondary education) – for academic misconduct specified in Articles 16-21 hereof committed for the second time during an academic year;

8) denial of award of research degree (doctor of arts degree), academic title – for academic misconduct specified in Articles 16, 17 hereof in a dissertation, monograph or research articles submitted by the author for the defense leading to research degree award.

2. Decision on bringing a student to academic liability stipulated in para. 1-7 of part one of this Article shall be made by an authorized body or official of an education (research) institution the student is enrolled at.

Decision on bringing a student to academic liability stipulated in para. 8 of part one of this Article shall be made by a specialized academic council (specialized academic council awarding doctor of arts degree) where the defense of accomplishments in research (arts) takes place.

Article 25. Academic liability of pedagogical, research pedagogical and research staff

1. Academic misconduct specified in Articles 16-18, 20, 21 hereof shall entail academic liability for pedagogical, research pedagogical and research staff in the form of:

1) warning – for the first instance of academic misconduct specified in part two of Article 16 hereof (self-plagiarism in research papers not related to the award of research degree, academic title, or position), or for the first instance of academic misconduct specified in Article 20 hereof;

2) suspension of the right to participate in certain governing bodies of an education (research) institution for up to one academic year – for academic misconduct specified in Articles 16-18 hereof (detected in research papers not related to the award of research degree, academic title, or position), or Article 20, part one of Article 21 hereof committed for the second time;

3) non-eligibility for participation in scholarship or grants competitions and academic mobility supported by an education (research) institution a person is employed at, for the period up to one academic year– for academic misconduct specified in Articles 16-18 hereof (detected in research papers not related to the award of research degree, academic title, or position), or Article 20, part one of Article 21 hereof committed for the second time;

- 4) putting restriction on participation in scientific research and/or individual projects of an education (research) institution a person is employed at, for the period up to one academic year – for academic misconduct specified in Articles 16-18 hereof (detected in research papers not related to the award of research degree, academic title, or position), or Article 20, part one of Article 21 hereof committed for the second time;
  - 5) withdrawal of awards, decorations and honorary titles granted by an education (research) institution – for academic misconduct specified in Articles 16-18 hereof (detected in research papers not related to the award of research degree, academic title, or position), or Article 20, part one of Article 21 hereof committed for the second time during one academic year, according to the procedure provided for in an act stipulating such awards, decorations and honorary titles;
  - 6) denial of submission on granting pedagogical, research or other title – for academic misconduct specified in Articles 16-18 hereof or other academic misconduct specified in Article 20, part one of Article 21 hereof committed for the second time during one academic year;
  - 7) dismissal of pedagogical, research pedagogical and research staff member – for academic misconduct specified in part two of Article 21 hereof, or other academic misconduct specified in Articles 16-18 hereof committed for the second time or other academic misconduct specified in Articles 20, 21 hereof committed for the second time during one academic year.
2. Decision on academic liability of pedagogical, research pedagogical and research staff, as stipulated by this Article, shall be made by an authorized body or official of an education (research) institution the staff member is employed at.
  3. Staff members bearing academic liability imposed by decision of a governing body of an education (research) institution can be considered non-eligible for any kind of reward (bonuses, other incentivizing payments, awards, etc.) during one year after the day of adoption of such decision.

Article 26. Revocation of qualification or decision on award of research degree (doctor of arts degree), pedagogical, academic or other title

1. Revocation of awarded qualification (education qualification level) is the competence of the entity awarding qualification (education qualification level) or its successor according to the procedure approved by the Ministry of Education and Science of Ukraine.
2. Revocation of decision on award of research degree (doctor of arts degree) is the competence of the National Agency on Higher Education Quality Assurance, according to the procedure approved by the Cabinet of Ministers of Ukraine.

3. Revocation of decision on award of pedagogical or academic title is the competence of the awarding entity, according to the procedure established by legislation.

4. The grounds for revocation of qualification (education qualification level) or decision on award of research degree (doctor of arts degree), pedagogical, academic or other title shall be breach of academic integrity in academic text or other information submitted for their attainment when such breach constitute violation of requirements that were mandatory for a person according to legislation effective at the time of award of qualification, degree or title.

#### Article 27. Academic liability of an education (research) institution

Failure of an education (research) institution to identify and combat academic misconduct shall be recognized in the following cases:

1) If the National Agency on Higher Education Quality Assurance has identified breach of academic integrity in a dissertation defended before the specialized academic council of a higher education (research) institution and revoked the decision on award of research degree, when such specialized academic council refuses to review a complaint about breach of academic integrity in the dissertation in question, or if complaint has been reviewed by no breach of academic integrity has been identified or recognized. Such higher education (research) institution shall be banned from establishing specialized academic councils for one year;

2) If a higher education (research) institution allows the breach stipulated by para. 1 of this Article for the second time, it shall be obliged to develop an action plan towards improvement of its internal quality assurance system with the implementation timeline of up to one year, to be agreed with the National Agency on Higher Education Quality Assurance;

3) If a higher education (research) institution allows the breach stipulated by para. 1 of this Article for the third time, the National Agency on Higher Education Quality Assurance shall suspend accreditation of a respective education program, and such higher education (research) institution shall have the right, not earlier than within one year, to apply to the National Agency on Higher Education Quality Assurance for accreditation of a respective education program, in line with the Regulation on accreditation of education programs offered to higher education students. Simultaneously, a licensing body shall revoke the license for education activity at a corresponding level, according to the procedure established by legislation;

4) If the National Agency on Higher Education Quality Assurance or State Service on Education Quality of Ukraine, within the scope of their respective competences, identify systemic academic misconduct in an education (research) institution according to the procedures established by this Law, the likelihood of

which has been known to an education (research) institution but related complaints (claims) have been abandoned without review, or have not been satisfied, or academic misconduct has been identified but violators have not been held accountable, such education (research) institution shall be obliged to develop an action plan to improve the internal quality assurance system with the implementation timeline of up to one year, to be agreed with the corresponding body of external quality assurance.

#### Article 28. Addressing academic misconduct during competition

1. Identified breach of academic integrity during creation of an academic text submitted for competition and/or during completion of competition tasks prior to final decision-making in the competition shall provide grounds for disqualification of a participant.
2. Decision on the competition winner can be revoked by the competition organizer, if breach of academic integrity during creation of an academic text submitted for competition and/or during completion of competition tasks has been identified.

#### Article 29. Retraction of academic texts from publication

In case of identified breach of academic integrity in a published academic text, the text shall be retracted. Information about retraction shall be published in the same way as the corresponding academic text.

#### Article 30. Addressing academic misconduct in external quality assurance procedures

Identified breach of academic integrity in information and/or documents submitted by an education or research institution for the purpose of external quality assurance (accreditation, audit, etc.) shall provide grounds for termination of a corresponding procedure without taking a decision on merits.

#### Article 31. Restrictions regarding academic activity

1. Restrictions regarding academic activity shall constitute prohibition to hold pedagogical, research pedagogical and research posts and/or carry out certain types of pedagogical, research pedagogical or research activity for a certain period.
2. The following types of restrictions regarding academic activity shall be applied:

1) prohibition to hold pedagogical, research pedagogical and research posts as well as posts that involve performance of public functions:

a) for persons whose qualification (education qualification level) or research degree (doctor of arts degree) has been revoked – for five years from the day a corresponding decision takes effect;

b) for persons whose pedagogical or academic title has been revoked – for five years from the day a corresponding decision was adopted;

c) for official opponent who provided a positive review and research (creative) supervisor of a person whose research degree (doctor of arts degree) has been revoked, as well as members of a specialized academic council who supported award of research degree (doctor of arts degree) – prohibition to participate in the work of specialized academic councils (specialized academic councils awarding doctor of arts degrees), to act as research (creative) supervisors or research consultant for two years from the day a corresponding court decision comes into legal force.

3. Information about persons subject to restrictions regarding academic activity shall be entered to the Register of persons subject to restrictions regarding academic activity (hereinafter – Register).

The Register shall be administered by the National Agency on Higher Education Quality Assurance.

Information contained in the Register shall be made openly available.

Regulation on the Register and its administration procedure shall be approved by the Cabinet of Ministers of Ukraine, upon submission of the National Agency on Higher Education Quality Assurance.

4. Entering of information about prohibition stipulated by para. 1 of part two of this Article in the Register shall provide grounds for dismissal of a person, with the exception of cases provided for in the Constitution of Ukraine.

*Note.* For the purposes of Article 31, a post involving performance of public functions shall be determined by the list of posts defined in para. 1 and 2 in part one of Article 3 of the Law of Ukraine “On Anti-Corruption”.

## Section VI. Establishing academic misconduct

### Article 32. General principles for the establishment of academic misconduct

1. Academic misconduct shall be established by an entity that, according to this Law, is charged with addressing academic misconduct according to the prescribed procedure.

2. If academic misconduct may at the same time be qualified as criminal, administrative or civil breach, absence of a court decision or decision of other

authorized entity about criminal, administrative or civil liability shall not preclude addressing such academic misconduct in accordance with this Law.

3. While addressing academic misconduct, the responsible entity shall establish all facts around such misconduct on its own and provide own assessment. Assessment of circumstances provided by any other actor shall not have decisive bearing on review and final decision-making.

#### Article 33. Requirements for the procedure of establishment of academic misconduct

1. Procedure for establishment of academic misconduct by a higher education or research institution shall be defined by internal regulation of a corresponding higher education or research institution approved according to the procedure established by this Law. The procedure for revoking a decision awarding research degree shall be defined by a respective Procedure developed by the National Agency on Higher Education Quality Assurance and approved by the Cabinet of Ministers of Ukraine.

2. Procedure for establishment of academic misconduct shall include provisions the define, with consideration of principles of academic integrity:

initiation procedure and requirements for a report (statement, claim) of academic misconduct;

stages of review and final decision-making regarding presence (absence) of academic misconduct;

timelines for final decision-making regarding presence (absence) of academic misconduct;

rules for the composition of a competent body, engagement of external experts, resolving conflict of interest, ensuring participation of stakeholders and respect of the rights of a person accused of academic misconduct;

procedure of decision-making (voting) regarding academic misconduct, appeal procedure regarding adopted decision, composition and procedure of establishment of appeal commission of an education (research) institution, Appeal Committee of the National Agency on Higher Education Quality Assurance, and other.

#### Article 34. Ensuring the rights of a person who may suffer detriment

1. A person brought to academic liability and a person may suffer detriment from application of other response measures with regard to academic misconduct shall have the right to:

- 1) familiarize with all materials of inquiry conducted to establish academic conduct, provide comments and explanations or refuse to provide comments and explanations to these materials;
  - 2) personally, or via representative, provide written or oral explanations or refuse to provide any explanations, participate in investigation of evidence of academic misconduct;
  - 3) in case of oral deliberation on response to academic misconduct – be aware of the date, time and place, be present and participate in deliberation;
  - 4) challenge the decision imposing academic liability according to the established procedure.
2. The rights referred to in part one of this Article shall be exercised personally or via representative.
  3. If response measures in relation to academic misconduct are carried out by court, the rights of persons who may suffer detriment shall be exercised as prescribed by procedural legislation.

#### Article 35. Procedure for appeal against the decision imposing academic liability

1. Decision of an education (research) institution, or their competent body or specialized academic council establishing academic misconduct or imposing academic liability shall be challenged before the appeal commission of an education (research) institution, following the procedure approved by a collegial governing body of an education (research) institution.
2. Decision of a specialized academic council of an education (research) institution on establishment (non-establishment) of academic misconduct and denial of award of research degree (doctor of arts degree) shall be challenged before the National Agency on Higher Education Quality Assurance.
3. Decision of the National Agency on Higher Education Quality Assurance on establishment of academic misconduct and revocation of decision awarding research degree can be appealed against according to the procedure defined by the National Agency that shall be published on its official website. Upon review of appeal, the National Agency shall adopt a substantiated decision about full or partial satisfaction of submitted appeal.
4. Decision of the National Agency can be challenged in court.

#### **Section VII. Final provisions**

1. Education and science authorities, citizens' associations can provide recommendations with regard to academic integrity compliance procedures.

2. In the Labour Code of Ukraine, part one of Article 41 shall be supplemented by para. 3-1 as follows: “establishment of academic misconduct by pedagogical, research pedagogical and research referred to in para. 7 in part one of Article 25 of the Law of Ukraine “On Academic Integrity”.