

# THEORETICAL AND PRACTICAL ASPECTS REGARDING THE UNIVERSITIES' CODES OF PROFESSIONAL ETHICS AND DEONTOLOGY

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## Abstract

Being ethical means "to do well" in order to influence certain activities and to channel them in a positive manner. Going further and quoting G.E. Moore, the author of the book *Principia Ethica*, we shall notice that good, no matter which side we turn it on, cannot be completely defined. We therefore understand that the good should not compulsory be defined, but rather it must be recognized when met and interpreted as a positive concept which should govern all our actions. Although related, the concepts of morality and ethics have different origins. While "ethics" comes from the Greek language, "morality" stems from the Latin "mos-moris", which means "manners". Therefore, we may regard ethics as a behavioural science, of manners, as a group of concrete prescriptions referring to moral or related to it. *University ethics and deontology* represents our way of interacting with professors, the university and the academic community to which we belong, as well as among ourselves. Ethics therefore does not deal with the type of relationship between physical and legal people, but with the quality of these relationships. At the end of this article we try to formulate a definition of "business ethics", as following: "University ethics and deontology" represents a branch of ethics which studies the quality of the relationships between students and professors, engaged in common actions in relation to the positive values which govern the academic and university environment. From this interdependence we shall be able to conclude that reporting it to our reality, the solution to progress would be to return to the healthy moral values and to promote them in all social and economic environments. Our first reform is the MORAL REFORM, by promoting a healthy value system with high moral and ethical standards. These standards should be defended whenever appropriate through the application of immediate and severe legislative and moral sanctions. As one may notice from the analysis that we propose, deontology may be defined as "the duty theory", while, in the Legal vocabulary published by the Henri Capitant Association, under the guidance of G. Cornu, it is defined as following: "The set of duties inherent in the exercise of a liberal professional activity, most often defined by regulations of the profession".

**Keywords:** ethics, deontology, university community, academic environment, moral reform, duty theory.

## 1. THE NOTION AND THE CONCEPT OF ETHICS AND DEONTOLOGY

The approach to this complex theme draws the attention of both professors and students to the issues of professional university ethics and deontology, in a scientific and methodical manner, both from a theoretical and a practical and social point of view.

The significance of this subject is given by the fact that the curricula of all academic study programs in Romania, according to Order no. 3131/2018 of the Ministry of Education, include the lecture on Ethics and academic integrity, due to its usefulness and the requirements at the university, academic level.

According to the explanatory dictionary, "ethics represents the science which deals with the study of the moral principles, with their development laws and with their role in social life".

More than ever in the current context, higher education institutions have to defend the values of academic freedom, university autonomy and ethical integration, have clear practices and mechanisms in order to eliminate academic and research fraud, including measures to prevent and eliminate any type of plagiarism, as well as tools to promote the principles of ethics and integrity among the members of the academic community.

On the other hand, if we take into account the fact that university experiences with a moral content shape students' characters, as either members of the university organisation or as

future specialists, the need for a lecture on academic ethics and integrity becomes obvious (GIDDENS, 2001). The impact of the present study is reflected on several levels:

1. for the academic world in general, in order to increase the knowledge base about Romanian universities;
2. for trainers responsible for the initial training of future researchers or university employees (teachers from the pedagogical module and not just them). Some of the graduates end up teaching in Romanian universities without knowing the professional requirements (moral, didactical, managerial) of having such a status-role.
3. for graduates of master's and doctoral programmes who work or shall work in the academic environment; they will be able to find out the "worries" of those who have already been working in the "branch" for more or less time.

As it is well-known, *deontology represents the part of ethics which deals with the professional duties, the specific duties of a profession, and also that ethics is the science which studies moral norms: life, habits, flaws, characters.*

Ethics represents a practical and normative subject, with the purpose of telling us how we should live and behave. There are different forms of ethics, which differentiate according to their degree of generalisation, object or substantiation. Regardless of the situation, ethics has to offer an answer to the following question: *Who does what in order to do well?*

Therefore, general ethics establishes the judgment criteria, whether an action is good or not, as well as the motivations and the consequences of a particular deed. The purposefulness and the goal of ethics turns it to a high degree into a practical activity. Nowadays, it is perceived as the fundament for applied ethics, individual ethics, social ethics, and the different types of specialised ethics, confronted with the normative issues of their own particular field (ARISTOTEL, 1988; PAPADIMA, 2018; RAD, 2017).

We must emphasize the fact that the attempt to establish the relationship between morality and ethics represents a delicate attempt, because

the difference between the two terms reflects the difference between a number of ways of thinking. In its most primitive meaning, the term ethics is synonym to morality and refers to a practice whose object is to establish a way of living according to the goals of human life: the pursuit of good manners or virtue.

However, a current differentiation consists in understanding, when speaking about more, the specific set of norms belonging to a social group or population at a certain time in their history and turning to ethics in order to do good, beginning with the starting point of the individual actions. Nowadays, we use the term ethics in order to codify the critical theoretical reflections regarding the morality of the actions.

Nowadays, we speak about ethics committees in universities or police stations. Ethics presents its own fundament in making so-called rational decisions, starting from the free dialogue between acquaintances, as assimilated codes of ethics.

Another distinction is proposed by a series of contemporary philosophers, in order to define morality as a set of duties and ethics as the reasonable achievement of wishes and aspirations.

Morality is also attributed to some idealistic tradition, which makes the distinction between what it is and what it is supposed to be, while ethics is assimilated to a materialistic tradition, which only tries to enrich the real using the reasonable attitude of seeking welfare in everything (RACHELS, 2000).

The law and its norms are different from morality and ethics, in the sense that it does not refer to the values of deeds, good or bad, and it only defines what is allowed and what is forbidden by the state, in a particular society.

On the other hand, deontology represents, in its turn, a series of obligations that a particular profession engages to respect in order to guarantee an ethical practice.

There are also a series of fields connected to ethics (SINGER, 2006), such as:

- a. ethics is first inseparable form philosophy, in the point where it is confused with moral philosophy. As a result, it is often considered that ethics represents an important branch of philosophy, especially of moral philosophy;

- b. ethics is closely connected to meta-ethics, although contemporary debates consider that a clear distinction should be done between the two. Meta-ethics analyses the statements, norms and the procedures of ethics. It is a subject which allows ethics to turn back to itself in a reflexive manner;
- c. politics, more precisely political philosophy, represents an inseparable field. It is normal in philosophy to regard the citadel as the natural framework and as prolonged ethical command;
- d. to a lesser extent, according to Aristotle, it is traditional to connect ethics to the philosophy of action, since the theory of action presents a series of fundamental issues for ethics, as a problem of the responsibility of the employee, of the intentionality of an action or of defining what an employee precisely represents.

It became a habit to reunite in a normative body or in a set of rules, which make up a code or a book of ethics, all fundamental knowledge regarding everything which is just and convenient for the good exercise of a profession. Therefore, we have to state from the beginning that, deontology, in its wide meaning, refers to a set of rules or duties which regulate a profession. Starting from this point, at the beginning, some authors considered that these professions were exclusively liberal ones. Nowadays, however, *the deontological codes regulate all forms of professional activity*: medical - general practitioners, medical - veterinarians, surgery, dentists, pharmacists, nurses, architects, bankers, accountants, managers, chemists, notaries, members of the parliament, magistrates, police officers, mediators, lawyers, teachers etc. We must add the fact that in the equation of developing and applying the codes, the trade-unions play a more and more active role, with the help of employers' associations, in developing the deontological codes applicable to their own members.

Throughout their entire careers, professionals are subjected to some particular deontological obligations and their breach can be sanctioned even by criminal punishments, when the violations take the forms provided by the criminal law, or by the application of disciplinary sanctions, provided by their Code of Ethics,

when they commit acts that infringe the duty of probity, integrity, honour or good conduct.

Professional organisations, including universities, also exert jurisdictional control, by repressing the violation of the values of the deontological code. They sanction the teaching staff; if needed, in serious situations, they may lead to the exclusion from the academic environment, following some disciplinary procedures. The codes of ethics set out rules of conduct that the official must observe both during the exercise of his profession and sometimes in everyday life (MACINTYRE, 1998).

For example, the University Code of Ethics and Deontology of the teaching and research staff and of the students, represents a set of compulsory principles, norms, moral and professional conduct rules, based on the legal provisions and regulations which refer to the development of an European space of higher education and scientific research, as well as the ethical principles accepted by the international scientific community, with the following characteristics:

- According to the law, the Code is meant to *define the ethical and deontological framework*, so that the members of the university community exert their duties with professionalism, objectivity, honesty and loyalty.
- The Code has also the role to present the responsibilities and the procedures which have to be followed, in in case of their violation, in compliance with the legal provisions.
- In exerting their duties, everyone under the incidence of the University Code of Ethics and Deontology has the obligation to uphold the fundamental principles and the professional standards for good conduct, presented by the existing regulations and by their existing principles and norms.

The deontological codes are bodies of norms applicable to a professional discipline; we must mention that they have an indirect title. First of all, their role is to *reunite the main moral rules with regulate a good professional practice*. This is why we must agree with the following statements, proved throughout the years:

- the deontological codes play an essential role in serving as guides for the conscience questions of an employee;
- a code does neither mainly and exclusively try to define what represents some professional conduct, nor does it tend to assess the significance of certain existing rules or of the gravity involved in their violation;
- they have the function of establishing the cases of misconduct; the seriousness of breaking the rules and of their consequences belong to the governing bodies of the profession;
- the purpose of the deontological rules is to serve as guide; therefore, the deontological codes encourage self-regulation.

We can therefore conclude that deontology belongs to the moral field of every profession. This is why we may speak about, through direct association with the right and the deontology of the profession of police officer, lawyer, teacher, notary, magistrate. In certain moments, and in many of its prescriptions, it tends to align itself with the rules of morality, although, due to its applicability, it approaches the rules of law. It represents an amalgam which has to be appreciated as a fruit of the necessary connection between the professional law and the professional morality.

In the form of disciplinary law, deontology has practically entered into positive law by becoming what we agree to assert: the *deontological law*.

The deontological rules, of an essentially moral nature, are sanctioned by the rules of law. This is why sometimes we assert that the deontological principles find their source in morality and in legal sanctions.

Generally, the legislative authority sanctions the codes that the administrative authorities establish together with various professional associations. However, the debate regarding the problem of knowing if the deontological norms derive from law or from morality is not yet finished.

Jurists claim that the sanction given by the administrative authority makes those moral perceptions violated legal provisions, since ignoring the provisions of a code, entails the

application of disciplinary sanctions (POPA, 1997). For jurists, deontology automatically represents a source of the right of a particular profession.

## **2. THE PRINCIPLES AND FOUNDATIONS OF THE UNIVERSITIES' CODE OF PROFESSIONAL ETHICS AND DEONTOLOGY**

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### **2.1. Morality, as a study field of ethics**

The concept of morality stems from the Latin "*mos, mores*" – *habit*, and it refers to a set of rules that individuals have to comply with, as members of the society.

Morality represents the sum of convictions, attitudes, feelings, norms and rules, historically and socially determined, which regulate the behaviour of individuals in community, family, nation or society (FILIP & IAMANDI, 2008).

### **2.2. Defining the concepts. The relationship between ethics and morality**

The term *ethics* comes from the Greek "*ethos*" which means character, habit. Ethics is a branch of philosophy. The object of ethics is represented by morality, meaning the understanding of the fundamental ethical categories (good, truth, beauty, justice etc.). Therefore, ethics can be defined as a philosophy on morality, including the study of all moral values and norms in action (PAPADIMA, 2018).

In the 1978 Dictionary of philosophy, ethics is defined as a philosophical subject which studies "the practical and theoretical issues of morality".

One of the traditional goals of ethics is that of identifying the types of criteria according to which one can distinguish between something that is moral and something that is immoral.

In the case of academic ethics, the problem is to distinguish between what is fair and what is unfair in the case of the actions that we undertake as members of the academic community. In order to discuss the specific moral requirements of academic life, one has to be a bit familiarised with the concepts and tools of ethics.

Each of them tells us something about morality. However, there are significant differences in their levels of generality. On the

other hand, morality presents numerous religious connotations which require an action that many people call faith. Morality does not offer you answers to questions, it just tells you that a thing, a fact or an idea is either acceptable or not from a moral point of view. "Do not kill!" represents a command, not an idea based on a thought procedure. Morality can be congruent with a certain religious package and incongruent with another. Everything that is moral or immoral differs from one religion to the other (MUREŞAN, 2009).

Ethics does not require faith; ethics represents a systematic procedure of thought. In ethics, there are no categorical laws (with one exception) and there is no order, there are only actions congruent with an ethical current and with incongruent attitudes. Ethics teaches us how to think, not what to think. The same as morality, ethics is not an absolute phenomenon: in Kant's ethics, "do not kill!" presents some absolute connotations. In utilitarian ethics, "killing" is sometimes regarded as an ethical action (KANT, 2007).

### 2.3. The moral and professional conduct

The closest term to morality, from a semantical point of view, is ethics. A moral conduct is that which upholds rules such as: Do good! Be fair! Be honest! Put public interest in front of the personal one!

An act of conduct or behaviour will be regarded as *moral* when it conforms to the rules of good human cohabitation and it will be regarded as *immoral* if it disregards the ethical precepts. If the activity of an individual complies with the norms of good human cohabitation, then we can speak about *the morality of conduct (of behaviour)* otherwise, if the action or inaction of an individual contravenes the moral rules, we speak about *the immorality of conduct (of behaviour)*.

*The professional conduct* emphasizes the formation and development of the moral discernment of people in general, of society and of the teaching staff and collaborators in particular, in accordance with the values and principles of the organizational society, and not of a mechanical observance of conduct contained in the Code of professional ethics belonging to various public institutions, including all types of universities.

### 2.4. The fundamental principles and values of the universities' Code of ethics

In general, the universities' code of ethics and professional deontology is based on the following fundamental principles which structure the whole active and the behaviour of the members of a particular academic community:

- a) the principle of academic freedom;
- b) the principle of personal autonomy;
- c) the principle of justice and fairness;
- d) the principle of honour and respect for human dignity;
- e) the principle of acknowledging personal merit;
- f) the principle of professionalism;
- g) the principle of honesty and intellectual fairness;
- h) the principle of transparency;
- i) the principle of professional and social responsibility;
- j) the principle of integrity;
- k) the principle of politeness, mutual respect and tolerance;
- l) the principle of collegiality;
- m) the principle of loyalty towards the university.

Behavioural standards reflect the way in which the teaching staff has to act and behave in order to answer to both their own expectations and to the students' expectations.

### 2.5. Academic ethics and integrity; ways of preserving academic integrity

#### 2.5.1. Academic ethics and integrity

Academic integrity assumes respecting a set of values and ethical principles by all students, professors and the administrative staff of a teaching institution. These are: academic freedom, ability, moral integrity, intellectual fairness and honesty, collegiality, loyalty, responsibility, transparency, respect and tolerance.

Academic culture actively promotes, through statements, institutional documents and codes of academic behaviour, those values, norms and practices which guide the entire institutional community. In this way, an ethos is outlined based on the observance of the principles regarding the dignity and physical and moral integrity of people, their continuous training, the

development of knowledge and the improvement of quality, the participation in the processes of democratization and ensuring equal opportunities.

The quality of higher education is also largely determined by the fact that the ethical norms and values are respected in an institution. A prestigious teaching organisation, which trains highly-qualified specialists thoroughly tends to promote academic integrity as well as protect the moral values: honesty, collegiality, respect, trust, responsibility, academic freedom, transparency, care. Therefore, academic integrity seeks to ensure that these values are respected by every member of the academic community, either student, teacher or representative of the institution's management, therefore avoiding lie, theft, bribery, plagiarism or other behaviours of this sort.

Academic integrity represents honesty and responsibility in the academic activity. All academic papers should represent the efforts of a particular individual. The intellectual contributions taken from others should be consistently and responsibly acknowledged, an academic activity with takes place in any other manner being a fraudulent one. One should remember that academic integrity does not only belong to students or professors. In order to say that academic integrity truly exists, it has to represent a joined effort on behalf of teachers and of students.

The modern world gave birth to a number of dangers for academic integrity. The Internet offered an easy and rapid way of copying. Moreover, the definition of plagiarism is quite unclear at an international level. Many students and researchers neglect to quote some sources found on the Internet, simply because the original source does not provide the name of an author. Or maybe because the information found on the Internet belongs to a website with general information. Besides all this, the Internet contains some other concrete dangers to academic integrity (MUREȘAN, 2012).

There are many websites dedicated to the selling and purchase of academic papers (essays, dissertations, PhD. papers, articles etc.) or articles and video spots on the best methods of copying in an exam. This leads to a much more relaxed attitude of the students when it comes to copying.

New copying methods appear at such a fast pace that universities fail to keep up with them, leading to situations in which the regulations and codes of conduct are ineffective.

Nowadays academic integrity is more important than ever. Any scandal, no matter how small it is, spreads immediately and negatively affects the reputation of universities, teachers, researchers and students. Moreover, the academic environment is responsible for the training of youngsters who will later on end up having important positions in the society.

Therefore, it is very important that certain moral values and principles are instilled in them during the formation period, so that they are better prepared to resist the temptation offered by corruption.

### **2.5.2. University ethics**

Since childhood, morality accompanies the child, the adolescent and then the mature individual throughout the studies he pursues. In society, the man has to respect the norms of moral and civic conduct, in all aspects of his life (ȘTEFAN, 2019). As Nicolae Popa points out, every person is born in a society and he or she cannot evade its rules (POPA, 1997).

### **2.5.3. Responsibilities and academic rights**

The members of the academic community have a series of obligations which they have to be aware of and honour, such as: responsibility to present the scientific truth, responsibility to the society, peers and the scientific community and responsibility to themselves and their work.

The main mission of the academic environment is to train, research and contribute to the development of the Romanian society, as following:

- it trains some competent and responsible specialists, gifted with critical thinking, the capacity to innovate, with respect for professional ethics, with abilities to understand the issues referring to the economic and social progress, for a knowledge-based society.
- it promotes the fundamental and applied research, in the fields to the exact sciences, engineering, social and humanist sciences, with the purpose of contributing to the process of knowledge, to the broadcast of scientific

knowledge and or artistic creation, in order to consolidate a national culture integrated in the European space and open to the globalisation phenomena.

- it contributes to modernise Romania, by proposing some public policies, creating and improving institutional practices, through technological innovation and national and international public communication (PLEȘU, 2005).

The main ethical values promoted by the academic environment are intellectual honesty and fairness. Plagiarism, cheating, the fabrication of research results or attempts at corruption, along with other misconduct, are practices declared unacceptable in the Codes of Ethics. Respect for intellectual property, copyright and the standards of academic integrity are regulated by the Code of Ethics and are among the criteria taken into account during student assessment. Violation of intellectual property, copyright, and the academic integrity standards is reprehensible and punishable, even if unintentional. Respect for intellectual property represents a professional duty of all members of the academic community (undergraduate, postgraduate and doctoral students; teaching and research staff), its violation being sanctioned with punishments that may include expulsion, dismissal or the interruption of collaboration.

#### 2.5.4. The main goals of the academic environment's institutional consolidation

The main goal of the academic environment is a formative one. The training role of the entire academic community in the spirit of respecting intellectual property and academic integrity is essential.

The specific goals that the academic environment aims to convey to undergraduate, postgraduate and doctoral students, in accordance with the provisions of the universities' code of ethics and professional deontology are the following:

- understanding the basic ideas of academic deontology;
- knowing the basic notions of academic deontology (understanding and internalising them);

- knowing the explicit (texts with normative value) or implicit (customs, practices) norms, which regulate the academic conduct of intellectual labour in the activities which take place during university study programs;
- understanding the norms (their reason, their correlation with other deontological norms);
- explaining the reasons behind the universities' deontological norms;
- assimilating the norms; reporting these norms to the specific standards of each subject;
- the students' acceptance of the norms in the academic activity;
- the development of a culture of responsibility in intellectual labour;
- applying the knowledge acquired in relation to the students' specializations and levels of education
- the practical use of the knowledge gained during the study program
- the internalization of the good practices of intellectual conduct; the presence of a solidarity, reactivity and support spirit for the consolidation of the universities' academic integrity.

Throughout their activity, professors have the moral obligation of performing only in the interest of students, without any discrimination and without favouring some students over others; there must always be a relationship of mutual respect between the professor and the student (ȘTEFAN, 2018).

#### 2.5.5. Guide on the standards of integrity in education

This Guide has special importance and it can be found on the website of the Ministry of National Education. It presents the values which represent the basis of academic integrity, such as: honesty, trust, fairness, respect, responsibility and good conduct during scientific research.

We shall now briefly present the six moral values which represent the basis of academic integrity (ȘTEFAN, 2019):

- **honesty** -represents the fundament of teaching, learning, research and of other forms of scientific activity. It is absolutely necessary to penalize those forms of side-slips from the academic integrity, such as: theft, plagiarism and fraud;

- **trust** – both high-school and university students tend to reply to honesty with respect. When the teacher is honest, the student appreciates this behaviour, granting the former his trust, based on collaboration and mutual respect;
- **fairness**– students have very high expectations when it comes to the behaviour of their teachers;
- **respect** – this behavioural attitude manifests itself on two grounds: the first one belongs to the student, whereas the second one belongs to the teacher. Therefore, the student shows respect by coming to class, by doing his homework or by preparing the required research materials. On the other hand, the teacher displays respect by listening to students' ideas and by offering them an honest feedback at the end of his assessment;
- **responsibility** – both student and teacher should be responsible throughout the teaching process, according to the educational norms of the academic community;
- **a good conduct in scientific research**– this aspect is stipulated by Law no.206/2004 with subsequent amendments and it shows that: a good conduct in scientific research activities and technological development are based on a set of good conduct norms and procedures aimed at respecting them.

In conclusion, it is almost impossible to completely separate ethics from morality. If we were to imagine, we could imagine two circles, one called "ethics" and one called "morality": there are circumstances when ethics and morality represent similar ideas, but in the true meaning of the word, they represent different phenomena.

We have to take into account the subjectivism of all these theories: the subjectivism of choosing a particular religion, the subjectivism of interpreting a particular religion, the subjectivism of choosing an ethical theory and the inherent subjectivism present in some ethical theories. We therefore consider that we have to be more understanding with people, more open and to think before criticising them for their choices, apparently moral or immoral, apparently ethical or unethical. We have to be aware of the fact that our way of thinking is not the only one possible and that the actions that we regard as ethical or moral are often limited to culture and perception.

The fact that a person knows morality and the ethical theories, allows him to abuse them. He may choose the mechanism which supports his action even though it may lead to an egocentric ethical controversy, which may regard every action as either ethical or unethical, just by using the principle of personal wellbeing.

It is obvious the fact that morality and ethics are not perfect and therefore it is ideal not to categorize them on the basis of incomplete ideas (ŞERICAN, 2017).

### 3. CONCLUSIONS

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The Code of ethics and university professional deontology represents a framework of formalising some consensual rules between the members of the academic community, on how to act in the same social space, in order to give an increase of its authority in the society as a whole.

Integral part of the institutional quality assurance mechanism, the Code of ethics is meant to contribute to the continuous improvement of the professional training process and to implement attitudes and behaviours as close to exemplary as possible, based on academic integrity. Offering a conduct model, the Code represents a moral contract between the members of the academic community, whose cohesion is preserved by engaging in adherence and devotion, appreciation, impartiality and professional communication.

At the interference between morality and law, the Code of ethics and professional deontology is an orientation and assessment tool of the morality of the actions of the members of the university community, based on some general standards "useful for every individual, as well as for the society", reconciling: competition and cooperation, individualism and solidarity, the assumption of general rules and free will, in order to protect both the freedom and dignity of the person and the public good.

Expression of the ethical definitory positions for what is allowed and what is not, the Code carries out a set of rights and obligations deriving from the fundamental civic values and principles, applicable flexibly in concrete situations, in the idea of affirming a harmonious social interaction - a framework for fair and efficient realization of



the intellectual and human potential of all members of the university community.

Taking into account all the aspects presented in the present paper, deontology represents the doctrine referring to the norms of conduct and the ethical obligations of a profession. Analysing the teaching professions from educational organisations, regardless of their status, one can say that the ones who exert these functions and professions have to respect certain norms of professional conduct, as well as some moral obligations – a deontology of teaching.

Deontology aims, by definition, the axiological filtering of strategies, techniques and procedural artifices by relating them to various moral landmarks, beneficial both to man and humanity.

A didactic deontology aims at what is good to teach, where and in what circumstances the education is done, under what conditions and when the self or heteronomous educational exercise is stopped and especially it detects the moral ambivalence, the pernicious slips or the illegitimacy of different practices.

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