



Ministry of high education and Scientific Research  
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# ETHICS AND DEONTOLOGY

1st year ST Ingeneer

## RESUME

This chapter discusses the concept of university franchise, detailing its historical origins, legal framework, objectives, requirements, the conditions for its suspension, and the key actors involved in the university campus.

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## CHAPTER 03 : UNIVERSITY FRANCHISE

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The concept of university franchise has ancient roots dating back to Antiquity, but it has evolved to take shape in modern universities. The origins of university franchise can be traced to key historical periods, notably Greek Antiquity, Ancient Rome, the European Middle Ages, and the Medieval Islamic world. These civilizations laid the foundations for academic freedom, independent research, and critical thinking that are at the heart of higher education today.

Greek Antiquity saw the emergence of Plato's Academy and Aristotle's Lyceum, where philosophy, sciences, and arts were explored without external interference. In Rome, schools of rhetoric and philosophy fostered open intellectual debates. The European Middle Ages witnessed the establishment of the first universities, such as the University of Oxford and the University of Paris, where professors and students enjoyed a certain academic autonomy. The Medieval Islamic world also played a key role in the development of university franchise, with madrasas and higher education institutions that promoted independent scientific research and critical thinking.

Over the centuries, these cultural and historical influences converged to give birth to the university franchise as we know it today. It is based on the fundamental principle of academic freedom, which guarantees that professors, researchers, and students have the right to explore ideas, question established norms, and pursue truth without fear of censorship or external interference. This laid the foundations for modern higher education and scientific research.

### **I. The Concept of University Franchise**

#### **I.1 - Definition of University Franchise**

The concept of university franchise finds its origins in the history of the Middle Ages, when universities were under the influence of the Church, thus granting them a certain autonomy from the State and its regulations. This autonomy persists today, as provided for in Article 62 of Law 99-05 of April 4, 1999, the Framework Law on Higher Education, amended and supplemented, where it is specified that the university president is the only one authorized to maintain order within their institution: "The heads of higher education institutions are responsible for order within the university premises and for their protection. They exercise this mission within the framework of current legislation and regulations and the institution's internal regulations, by bringing together adequate material and human resources."

Concretely, this means that security services cannot intervene within the university without the prior authorization of the university president, except in case of a requisition by the Public Prosecutor's Office or in flagrante delicto (for example, when a crime is committed before their eyes). All areas under the university's jurisdiction, including the university residence, fall under the exclusive authority of the university president. The latter has the freedom to call upon law enforcement, but their intervention cannot occur without their consent or without a formal request from the Public Prosecutor's Office. Thus, institutional autonomy and respect for university franchise are maintained within the current legal framework.

## **I.2 - Legal Framework of University Franchise**

University franchise is a concept framed by a series of legal provisions that guarantee its operation and autonomy within the university. These legal texts form a network of regulations that establish the rights and responsibilities of higher education institutions, university presidents, and its various actors. But essentially, the following two texts are the main reference in this matter:

At the heart of this legal framework is Law 99-05 of April 4, 1999, the Framework Law on Higher Education, amended and supplemented, which grants the university president the responsibility of maintaining order within the institution. The police can only intervene with their approval, except in case of a requisition by the Public Prosecutor's Office in flagrante delicto. This power is essential to preserve institutional autonomy and protect the integrity of the academic environment.

This law emphasizes maintaining order within the university and preserving academic integrity, ethics, and deontology. It defines the mechanisms that ensure a secure environment while preserving institutional autonomy. It guarantees that order is maintained fairly and in accordance with the laws, thus fostering the free expression of ideas, respect for ethical standards, and the preservation of intellectual integrity. This approach, anchored in this law, constitutes an essential foundation for promoting learning, research, and creation within an institution respectful of ethics and deontology.

The Charter of University Deontology and Ethics of 2021, issued by the Ministry of Higher Education and Scientific Research, also dedicates a section to university franchise and stipulates that the exercise of academic freedoms is inextricably linked to the preservation of university franchises, a solemn commitment that the State obligates itself to guarantee. All

stakeholders within the university community contribute, through their behavior, to the elevation of university freedoms, thus ensuring the preservation of their uniqueness and immunity. They are expressly required to refrain from promoting or encouraging situations or practices detrimental to the principles, freedoms, and rights of the university. Furthermore, they are required to abstain from any partisan involvement within university premises.

### **I.3 - Objectives of University Franchise**

Respect for university franchise serves as a guarantee to achieve the missions and objectives of the university, notably the preservation of academic autonomy. This close relationship manifests itself as follows, as provided for by the 2021 Charter:

#### **I.3.1- Academic Freedoms: Guarantors of Free Thought**

Enshrined by Article 60 of the aforementioned Law 99-05, teaching and research activities within the university rest on the unshakable pillars of freedom of expression and reason, which constitute the cornerstone of academic freedoms. These freedoms guarantee that the expression of critical opinions takes place without hindrance, with respect for others and with professional conscience, safe from censorship and constraints. This academic freedom is defined by Article L. 952-2 of the French Education Code as follows: "Academic freedoms are the guarantee of the excellence of French higher education and research. They are exercised in accordance with the constitutional principle of the independence of professor-researchers."

#### **I.3.2 - Requirement of Scientific Truth and Critical Spirit: The Foundations of Knowledge**

The search for scientific truth and the critical spirit are the cardinal principles underlying the quest for and questioning of knowledge produced and transmitted by the university. The requirement of scientific truth demands competence, critical observation of facts, experimentation, confrontation and respect for viewpoints, as well as the relevance and citation of sources, intellectual rigor, creativity, and innovation, as also provided for in Article 59 of Law 99-05.

#### **I.3.3 - Responsibility and Competence: Pillars of Academic Fulfillment**

Responsibility, intrinsic to academic freedoms, is closely linked to competence and develops through democratic and ethical management of the university. It is essential to

separate pedagogical and scientific competencies from administrative responsibility, the latter always being exercised in the service of teaching and research. The competence of professors must serve to promote the autonomy of students as future professionals and citizens. Ultimately, the spirit of responsibility and dignity must accompany professors and researchers during and after their university careers.

### **I.3.4 - Integrity and Honesty: The Guarantors of Ethics**

Integrity and honesty, fruits of competence, require that members of the university community avoid any form of corruption, plagiarism, and conflicts of interest. Integrity is also manifested in the judicious use of human, material, and financial resources placed at the disposal of the university community.

### **I.3.5- Mutual Respect: Foundation of Living Together**

Respect for others stems from self-respect. All members of the university community must reject any form of violence (whether symbolic, verbal, or physical), harassment in all its forms, discrimination, or bias. The pre-existing diversity within the university and in society demands discretion, open-mindedness, tolerance, essential conditions for harmonious coexistence.

### **I.3.6 - Lifting of University Franchise**

The ability of the police to intervene in a university without the approval of the rector or a competent university authority is generally limited to these two cases:

A. ***Flagrante Delicto***: If security services witness a crime in progress, such as murder, serious assault, armed robbery, etc., they can intervene immediately without having to wait for the request or approval of the university rector. *Flagrante delicto* is related to the observation of a crime or offense in real time.

**B – Requisition by the Public Prosecutor's Office**: In some countries, the police can intervene in a university upon requisition by the Public Prosecutor's Office, particularly to conduct criminal investigations or to ensure the enforcement of the law in case of public disorder. The latter can issue requisitions in cases of serious risks to public safety, the existence of imminent danger, etc.

## **II. The Requirements of University Franchise: Fees/Charges**

### **II. 1- Protect the Independence of Teaching Staff:**

The independence of teaching staff is the foundation upon which academic excellence rests. It guarantees that professors have the freedom to teach, research, and share ideas without undue external interference. This independence protects professors from political, economic, or other pressures that could compromise their objectivity and intellectual integrity. It ensures that the university remains a place of intellectual debate and diversity of ideas, where professors are free to pursue truth and transmit their knowledge without obstacles.

### **II. 2 - Protection of Intellectual Freedom:**

Intellectual freedom is the backbone of university research and teaching. It allows academics to explore new ideas, challenge conventions, and question established norms. This freedom guarantees that research and teaching are not restricted by dogmas, prejudices, or special interests. It fosters innovation, discovery, and the progression of knowledge.

### **II. 3 - Protect the Innovative Nature of Research:**

Innovation is the engine of university research. It leads to revolutionary discoveries, technological advances, and solutions to society's complex problems. Protecting the innovative nature of research involves supporting basic and applied research, fostering interdisciplinary collaboration, and encouraging long-term research that is not limited to immediate returns on investment. It was the encouragement of this innovation that led Mark Zuckerberg to invent the famous social network Facebook that you use today. At the same time, he was a student at Harvard University in the United States of America.

### **II. 4 - Perpetuate Values of Tolerance and Non-Discrimination:**

The university is a place of learning and intellectual growth. For this to be fully realized, it is essential to promote values of tolerance, respect, and non-discrimination. This means that all members of the university community, regardless of their origin, race, religion, or gender, must be treated fairly and respectfully. Diversity of opinions and perspectives enriches the academic environment.

## **II. 5 - Ensure the Safety of Persons and Maintain Equipment and Structures:**

The safety of individuals is an absolute priority. Universities must take measures to guarantee the safety of their students, staff, and visitors. This also involves the regular maintenance of infrastructure and equipment to prevent any accident or harm. Safety is an essential element for creating an environment conducive to learning and research.

## **II. 6 - Ensure Health, Safety, and Environmental Regulations:**

Universities must comply with occupational health and safety standards, as well as environmental regulations. This includes waste management, risk prevention, and the promotion of healthy lifestyles within the university community. The university's environment must reflect a commitment to sustainability and social responsibility.

## **II. 7 - Respect for Appropriate Attire:**

Respect for appropriate attire helps maintain a respectful academic environment. This involves dressing adequately, in accordance with the norms and expectations of the university, to foster an atmosphere of respect and professionalism. And from the perspective of maintaining dignity and protecting oneself from any attempt of annoyance and harassment. It is also a respect for ancestral values and proof of the high morality enjoyed by the person.

## **II. 8 - Prohibition of Commercial Activities without Authorization from Competent Authorities:**

Engaging in commercial activities within the university can raise issues of conflict of interest and unfair competition. It is therefore essential to obtain authorization from the competent authorities before engaging in such activities to ensure transparency, fairness, and compliance with regulations.

## **II. 9- The University is a Public Space Providing a Public Service to the Community:**

As a public space, the university serves society as a whole. It has the responsibility to provide quality education, contribute to research and innovation, and promote the values of citizenship, democracy, and social responsibility. It is a precious common good that must be preserved for future generations.

### **III. The Actors of the University Campus**

In the complex system of a university, several entities and bodies play an essential role in management, ethics, discipline, and social partnership, thus contributing to the fulfillment and success of the university community. Among the main actors are:

#### **III. 1- The Rector and the Administrative Body:**

At the head of the university, the rector ensures the direction of the institution, accompanied by a management staff composed of vice-presidents, the secretary general, faculty deans, institute directors, vice-deans, assistant directors, secretaries general of faculties and institutes, department heads, and assistant department heads, as well as officials, as needed.

#### **III.2- The Board of Administration:**

This body is composed of representatives of the State and elected members of the university community, as well as representatives of significant employer sectors. It addresses crucial questions related to institutional development, financial and budgetary aspects, and human resources, while defining the broad orientations of university policy. Similar councils operate at the level of faculties and institutes.

#### **III.3- The Council for University Ethics and Deontology:**

A specific body composed of eminent professors, recognized for their exemplarity and ethics, is tasked with guaranteeing respect for the university's ethical and deontological norms, in accordance with the charter. It actively engages in the prevention and fight against academic plagiarism.

#### **III.4- Disciplinary Councils:**

These instances ensure the maintenance of discipline and order within the university, emphasizing mutual respect and the preservation of the institution's property and infrastructure. They also ensure student compliance with the university's internal regulations.

In this framework, there are several cases that can lead to a student being summoned before a disciplinary council. These cases are linked to violations of the institution's regulations and codes of conduct. Here are some common examples of situations that could lead to a summons before a disciplinary council:

- 1 - Academic Fraud (Cheating)
- 2 - Disruptive or Violent Behavior
- 3 - Non-compliance with University Rules
- 4 - Consumption or Trafficking of Drugs and Alcohol
- 5 - Damage to University Property
- 6 - Violations of Ethical or Deontological Rules
- 7 - Any Illegal Behavior
- 8 - Repetition of Disciplinary Violations

Sanctions can also vary, ranging from simple warnings to temporary suspensions or even expulsion from the university. The specific university regulations specify disciplinary offenses and potential sanctions. Cases qualified as "Misdemeanors" can also lead to prosecution before the criminal judge, such as the consumption and sale of drugs or alcohol, verbal and physical violence against members of the university family...

### **III.5- Joint Administrative Committees:**

These committees examine individual matters related to employees, bringing together an equal number of representatives from the university and elected worker representatives, with a concern for fairness and justice.

### **III.6- Scientific, Cultural and Sports Activities:**

Scientific clubs, and cultural and sports associations enrich student life by offering opportunities for personal and academic development.

These initiatives promote student fulfillment by encouraging them to explore their passions and participate in these activities, with the approval of the university authorities.

#### **III.6.1- Scientific Clubs:**

These student groups organize scientific and cultural activities, allowing members to explore their curiosity and deepen their knowledge, with the approval of institutional leaders.

#### **III.6.2- Cultural and Sports Associations:**

These voluntary organizations, approved and authorized, mobilize their members to promote various non-political activities, working for the public good, in respect of national values and principles.

### **III.7- Social Partners:**

Finally, trade unions for workers and students play a major role in defending the interests of workers and students respectively, by ensuring respect for their rights, improving their conditions, and promoting education, all within a legally defined framework of pluralism.

Within this complex environment, each entity and actor contributes to forging a dynamic, ethical, and harmonious university community, where learning, growth, and engagement are encouraged and preserved.