

A CODE OF PRACTICE FOR ETHICAL CONDUCT IN HIGHER EDUCATION INSTITUTIONS

RECOMMENDATIONS FOR THE MINISTRY OF EDUCATION
AND SCIENCE OF THE REPUBLIC OF ARMENIA

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Content

INTRODUCTION	4
MODEL CODE OF ETHICS FOR GOVERNORS AND MANAGERS.....	7
MODEL CODE OF ETHICS FOR ACADEMIC STAFF	10
MODEL CODE OF ETHICS FOR STUDENTS	13
GUIDANCE ON PRODUCING CODES OF ETHICS FOR HEIS	16

INTRODUCTION

The aim of this document is to set out a framework for codes of practice for ethical conduct in higher education institutions in the Republic of Armenia. In line with the commitment of the country to enhance the quality provision of education, with the support of the Council of Europe and jointly with the European Union, a set of model codes of conduct for the three internal groups of actors in higher education institutions has been developed. The three internal groups of actors are as follows: governors/managers, academic staff, and students.

The codes of practice for the identified actors are developed based on the ethical principles listed and described in the framework document developed by the Council of Europe international experts with reference to the Council of Europe's 'Pan-European Platform on Ethics, Transparency and Integrity in Education (ETINED)'¹ documents.

A separate but related exercise is to regulate how the governing bodies of higher education institutions are required by the Ministry of Education and Science to adopt new regulations, or to adapt existing regulations to be in conformity with the models, as a condition of receiving public funding, this provision to be incorporated in the Law on Higher Education. Institutions will also be required not only formally to adopt but also to implement the regulations, to monitor their implementation, and to report publicly on that implementation and monitoring as part of their regular reporting cycle. In order to preserve maximum autonomy for the institutions, the Ministry is expected to prescribe the models, and institutions have the autonomy to decide themselves the detail of the regulations in accordance with their internal procedures.

Background

The recommendations are prepared under the framework of the Council of Europe/EU funded project 'Strengthening Integrity and Combating Corruption in Higher Education in Armenia'² which supports effective implementation of the Armenian Government's Anti-Corruption Action Plan 2015-2018. The project objective is to support the development of prevention and integrity mechanisms for practising professionals and to increase good governance in the field of higher education in Armenia.

The principal bases for the current recommendations ETINED two documents developed since 2014: 'Ethical Principles for Education' (relying more on beliefs and values) and 'Ethical Behaviour of All Actors in Education' (representing ethical rules and principles of professional practice). In implementation, those two documents should be brought together. There is also a range of other relevant material, including the IAU and Magna Charta Observatory 2012 guidelines for code of ethics for higher education. It is understood by all parties that it is necessary to move beyond anti-

¹ http://www.coe.int/t/DG4/EDUCATION/etined_en.asp.

² Start date: January 2015; duration: 24 months; budget: €400,000; donor: Council of Europe and European Union; partners: Ministry of Education, Public Higher Education Institutions.

corruption 'mechanistic' regulatory measures: the whole of society needs to commit to positive ethical principles and this should be reflected in the tone of the developed Codes.

The current recommendations are based on two framework documents developed specifically for Armenia: "Codes of Ethics for Actors in Higher Education Institutions" and "Guidance on Producing Codes of Ethics for framework documents and they are as follows:

- Integrity

Behaviour of the education actors is consistent with a set of positive moral and ethical principles and standards, based on core values.

- Honesty

All actors in HEIs should avoid systematically any form of cheating, lying, fraud, theft, extortion or other dishonest behaviours.

- Truth

All actors in HEIs must tell the 'Truth', and not lie, in all their communications within the HE system.

- Transparency

The principle places a requirement for the open disclosure of information on all actors within HEIs as individuals, not just on HEIs as organisations: the extent of this obligation will vary depending on the category of actor involved.

- Respect for Others

All actors in HEIs must show respect for the dignity and for the physical and psychic integrity of beneficiaries and stakeholders involved in HE, recognise the general rights of actors in HEIs to preserve their privacy, and to be protected from physical and verbal violence.

- Trust

All actors in HEIs can have a firm belief in the reliability of each other to be honest, truthful and act with integrity.

- Accountability

All actors in HEIs are held responsible for executing their powers properly.

- Fairness

All actors in HEIs must treat others with impartiality, free from discrimination or dishonesty.

- Equity, Justice and Social Justice

All actors in HEIs must adhere to the educational and social values of sustainability, equality and justice and recognise the rights and responsibilities of future as well as current generations, put into practice fair, transparent, inclusive and sustainable policies and practices in relation to age, disability,

gender and gender identity, race, ethnicity, religion and belief and sexual orientation, provide access to HE for as many academically qualified individuals as possible.

● Democratic and Ethical Governance and Management of the Education System and Educational Institutions

All actors in HEIs recognising that the governance and management of HEIs should be based on democratic involvement of all relevant actors, and management by leaders who exercise their leadership in an ethical way.

● Quality Education

All actors in HEIs recognising their unconditional commitment to achieving educational provision which is of the highest quality possible.

● Personal and Systems Improvement

All actors in HEIs recognising the importance of making the maximum contribution possible to the continuous improvement of the HE system.

● Institutional Autonomy/Institutional Independence

This involves recognising the need to give and maintain appropriate autonomy and independence to individual institutions within a national education system, so that an excessive centralised political control of education is avoided.

● International Co-operation.

All actors in HEIs recognising the importance of positive international collaboration in education activities

To these can be added the following from other international sources relevant to higher education:

Selflessness • Objectivity • Openness • Leadership • Academic freedom.

Conclusion

The Ministry of Education and Science is invited to endorse the process and the enclosed model Codes of Practice. The legal process by which the Codes are adopted and implemented by universities is a separate component of the project.

MODEL CODE OF ETHICS FOR GOVERNORS AND MANAGERS

Introduction

1. The aim of this document is to provide a framework for a model code of practice for ethical conduct by governors and managers in higher education institutions. The recommendations in this model code should be reflected in the internal statutes, rules and procedures of the respective institution.

Principles

2. Members of governing bodies and managers appointed according to the provisions of the Law on Higher Education are expected to conduct themselves in accordance with the general principles of ethical conduct. Those principles should apply to governors and managers of higher education institutions relations with (i) the governing and managerial units of the institution, (ii) the academic and support staff, (iii) students, and (iv) any other persons or groups having a contractual or other relationship or interest in the work of the institution.

Governing bodies

3. In pursuance of the general principles of ethical conduct, each higher education institution must adopt and publish a Code of Conduct for members of governing bodies which as a minimum incorporates these principles and provides sanctions for non-compliance in accordance with the legislation in force.

A. General Rights and Responsibilities of a Higher Education Institution governing bodies

4. The rights and roles of the governing bodies are prescribed by the legislation in force, particularly by the Republic of Armenia Law on Higher Education. In case conflict of interest situations are not considered and regulated by the legislation, the institution is expected to develop detailed internal policies and regulations to avoid all the possible conflict of interests.
 - a. Members of institution governing bodies have the right to report any alleged non-compliance with the legislation in force or the ethical principles to the relevant authority in confidence without adverse personal consequences.
5. The governing bodies of higher education institution have the following responsibilities:
 - a. should place the interests of the institution above their own interests, and should not seek to profit from their positions otherwise than as provided by the legislation in force;
 - b. should not accept any mandate to act or refrain from acting in a particular way from the organisation or body which has appointed them, or accept any instruction from any individual, or from any political party, trade union, religious or other external source;
 - c. should declare at the start of a meeting where they, or any member of their immediate family, have any personal interest in any item on the agenda for discussion, including human resources (including staff appointments and promotions), financial, contractual or other relevant matters, and should withdraw officially from the meeting if any such matters are discussed;
 - d. must not solicit or accept any bribe or other financial consideration, or seek or accept any other personal favour, which may influence them in the decision-making process;

- e. must immediately report any attempt to bribe or offer personal favour to the relevant authorities;
- f. in exercising their collective authority, or personal delegated authority to make or enforce rules for the governance and management of the institution, ensure that such rules comply with the legislation in force and the ethical principles set out in the Code;
- g. should adopt internal audit and risk management processes which enable members to be satisfied that the financial and other affairs of the institution are being conducted fairly, transparently, efficiently and effectively;

Managers

- 6. Also in pursuance of the general principles of ethical conduct, each higher education institution must adopt and publish a Code of Conduct for managers, including the Rector, Pro-Rectors, Deans of Faculty, Heads of Department and holders of equivalent or similar titles, and members of the administrative staff with management authority, which as a minimum incorporates these principles and provides sanctions for non-compliance in accordance with the legislation in force.

B. General Rights and Responsibilities of Higher Education Institution managers.

- 7. The rights and roles of the institution executive body, i.e. Rector of the institution, is prescribed by the legislation in law, otherwise, the institution has to develop detailed regulations in compliance of the logic of the Law. The rights and roles of the institution managers, other than the Rector, are described in the internal policies and regulation of the institution.
 - a. Managers of institutions have the right to report any alleged non-compliance with the legislation in force or the ethical principles to the relevant authority in confidence without adverse personal consequences
- 8. The managers of higher education institution have the following responsibilities:
 - a. in carrying out their functions and duties, should place the interests of the institution above their own interests, and should not seek to profit from their positions otherwise than as provided by the legislation in force and their respective contract of employment;
 - b. should not accept any instruction to act or refrain from acting in a particular way from any individual except a higher authority, or from any political party, trade union or religious group;
 - c. should declare in writing to the Rector (or in the case of the Rector, to the chair of the governing body) where they or any member of their immediate family have any personal interest in issues affecting human resources (including staff appointments and promotions), financial, contractual or other relevant matters;
 - d. must not solicit or accept any bribe or other financial consideration, or seek or accept any other personal favour, which may influence them in their work;
 - e. must immediately report any attempt to bribe or offer personal favour to the Rector (or in the case of the Rector, to the chair of the governing body);
 - f. must not misuse the resources of the institution, or personal or commercial information held by it, for personal gain or that of any other person;
 - g. should ensure that all persons under their authority are made aware of the relevant legislation and rules and the consequences of non-compliance, and to promote ethical conduct;

C. Disciplinary Measures and Sanctions

9. Disciplinary measures should be based on the principles of fairness, confidentiality, and timely notice, and should be in line with the legislation in force.
 - a. Complaints on the violation of the code of practice for governing body and managers ethical conduct should be in writing according to the institution Code of Conduct developed for the respective actors. The important principles is that in the absence of a special steering committee on Ethical Conduct, or relevant regulation in the legislation, considerations and decisions on alleged violation of the ethical conduct should be referred up;
 - b. The mandated unit has to decide (i) whether the complaint has reasonable basis for identifying the violation, (ii) whether the facts featuring the alleged violation constitute a breach of ethical conduct of the academic staff, and (iii) whether the Unit has the mandate to consider the case;
 - c. Parties to the case should be notified in writing in accordance with the higher education institution relevant policy highlighting procedures for timely notifications.
 - d. Sanctions possibly imposed should be in line with the legislation in force and the university internal policies and regulations: (i) warning; (ii) condemnation; (iii) suspension; and (iv) filed request for self-dismissal/termination of employment/dismissal;

Related Rules

10. In addition to the Codes of Conduct for governors and managers, other rules should be adopted or existing rules adapted according to the ethical principles stated above.

MODEL CODE OF ETHICS FOR ACADEMIC STAFF

Introduction

1. The aim of this document is to provide a framework for a model code of practice for ethical conduct by academic staff in higher education institutions. The recommendations in this model code should be reflected in the internal statutes, rules and procedures of the respective institution.

Principles

2. Members of academic staff appointed according to the provisions of the Law on Higher Education are expected to conduct themselves in accordance with the general principles of ethical conduct underlined in the cover document of Codes of Ethics, and those principles should apply to academic staff relations with (i) the governing body, management and other organs of the institution, (ii) other academic and support staff, (iii) students, and (iv) any other persons or groups having a contractual or other relationship or interest in the work of the institution.

Model Code and main Rules

3. In pursuance of general principles of ethical conduct, each higher education institution must adopt and publish Rules governing (i) conduct including discipline and sanctions; (ii) appointment, promotion, and termination of appointment; (iii) scientific research; and (iv) examinations and assessment. As a minimum these Rules should expressly incorporate the principles of ethical conduct and provide sanctions for non-compliance in accordance with the legislation in force.

A. General Rights and Responsibilities of a Higher Education Institution Academic Staff

4. Academic staff of a higher education institution has the right:
 - a. to freedom of expression and freedom of inquiry;
 - b. to be judged as a scholar and a teacher on the basis of intellectual and professional criteria and not on their political and religious views, or other matters of personal preference;
 - c. to decide on the content of the courses they teach in line with the requirements of the curricula;
 - d. to grade student performance and achievements according to the grading policies of the university and pre-set grading criteria;
 - e. not to accept any instruction to act or refrain from acting in a particular way from any individual except a higher authority, or from any political party, trade union or religious group, except as permitted by legislation in force;
 - f. to report any alleged non-compliance with the legislation in force or the ethical principles to the relevant authority in confidence without adverse personal consequences.

5. Academic staff of a higher education institution has the responsibility:
- a. to place the interests of the institution above their own interests, and should not seek to profit from their positions otherwise than as provided by the legislation in force;
 - b. in relation to any person or group within or external to the institution, not to solicit or accept any bribe or other unlawful financial consideration, or seek or accept any other personal favour, which may influence them in their work, and must immediately report any attempt to bribe or offer personal favour to the relevant authority defined in the Rules of the institution;
 - c. to declare in writing to the Rector where they or any member of their immediate family have any personal interest in issues affecting their work -human resources (including staff appointments and promotions), financial , contractual or other relevant matters;
 - d. not to misuse the resources of the institution, or personal or commercial information held by it, including intellectual property, for personal gain or that of any other person or group;
 - e. to conduct themselves according to the general principles of ethical conduct when participating in appointment, promotion or other commissions affecting academic staff, and when participating in commissions or other bodies concerned with admission, assessment, examination and other actions relating to students, and in individual and group activities with students;
 - f. to respect the students of the university and avoid any exploitation or harassment, or discriminatory treatment of students;
 - g. to respect the diversity of students including, but not limited to, their political and religious beliefs;
 - h. to protect academic freedom of students;
 - i. not to engage in plagiarism, fail to cite or attribute the work of others, falsify results, and abide by ethical principles in relation to protection of personal data, and other specific principles in defined subject areas according to the Rules of the institution (for example in medical and veterinary sciences, and sociological research) when participating in research activities;
 - j. not to discriminate against or harass colleagues and to respect the diversity of opinions and free expression;
 - k. to ensure that all persons under their authority are made aware of the relevant legislation and rules and the consequences of non-compliance, and to promote ethical conduct;

B. Disciplinary Measures and Sanctions

6. Disciplinary measures should be based on the principles of fairness, confidentiality, and timely notice.
- a. Complaints on the violation of the code of practice for academic staff ethical conduct should be in writing to the respective departmental/institutional unit of the higher education institution mandated with the responsibility to consider and decide on alleged violation of the ethical conduct;
 - b. The mandated unit has to decide (i) whether the complaint has reasonable basis for identifying the violation, (ii) whether the facts featuring the alleged violation constitute a breach of ethical conduct of the academic staff;
 - c. Parties to the case should be notified in writing in accordance with the higher education institution relevant policy highlighting procedures for timely notifications.
 - d. Sanctions possibly imposed could be: (i) warning; (ii) and dismissal;

C. Appeal

7. Academic staff has the right to appeal the decision of the mandated unit on the determination of the disciplinary measure.
 - a. Appeal must be made to a higher institutional body than the mandated unit and it must be within time-bound period after the notification of determination;
 - b. Appeal must be in writing and state the grounds for appeal;
 - c. No further appeal can be available within the higher education institution.

Related Rules

8. In addition to the main Rules already noted, other Rules should be adopted or existing rules adapted according to the ethical principles, in accordance with the legislation in force and the institution's statute.

MODEL CODE OF ETHICS FOR STUDENTS

Introduction

1. The aim of this document is to provide a framework for a model code of practice for ethical conduct by students in higher education institutions. The recommendations in this model code should be reflected in the internal statutes, rules and procedures of the respective institution.

Principles

2. Students admitted to higher education institutions according to the provisions of the Law on Higher Education are expected to conduct themselves in accordance with the following general principles underlined in the cover document of Code of Ethics, and those principles should apply to their relations with (i) the governing body, management, academic and support staff and other organs of the institution, (ii) other students. In addition, persons who seek to be admitted to study are entitled to expect that the management and staff of the institution act fairly in the admissions procedure according to the legislation in force, the Rules of the institution, and ethical principles defined in other related Codes. Also, the standard of ethical behaviour expected of students is also to be expected of any persons acting on their behalf, including parents and persons with similar status.

Model Code and main Rules

3. In pursuance of the general principles of ethical conduct, each higher education institution must adopt and publish Rules governing (i) conduct including discipline, academic integrity and sanctions; (ii) admissions, study programmes, examinations and assessment; (iii) complaints procedures. As a minimum these Rules should expressly incorporate the ethical principles and provide sanctions for non-compliance in accordance with the legislation in force.

A. General Rights and Responsibilities of Students

4. Students of a higher education institution (HEI) have the right to:
 - a. be free from discrimination based on race, religion, ethnicity, political affiliation, age, sex, disability or any other matter of personal preference;
 - b. have freedom of expression, freedom of assembly and association, with a condition that these freedoms do not hinder the effective conduct of classes, comply with the policies of higher education institution, other principles of ethical behaviour such as respect for the rights of others, as well as Republic of Armenia laws;
 - c. fair evaluation and the right to be properly informed about the grading criteria in accordance with the HEI relevant policies;
 - d. appeal in accordance with the HEI appeal policies;
 - e. be free from harassment by any member of the HEI community;
 - f. be heard in case when a decision is to be taken against him/herself;
 - g. be notified on a timely manner on disciplinary proceedings or actions;
 - h. report any alleged non-compliance with the legislation in force or the ethical principles to the relevant authority in confidence without adverse personal consequences.

5. Students of a higher education institution (HEI) have the following responsibilities:
 - a. become familiar with the provisions of this Code and all the other policies of their HEI;
 - b. in relation to any person or group within or external to the institution, must not offer or accept any bribe or other unlawful financial consideration, or seek or accept any other personal favour, which may influence them in their studies, or influence others in their work;
 - c. must immediately report any attempt to seek bribes or personal favours to the relevant authority defined in the Rules of the institution;
 - d. must not misuse the resources of the institution, or personal or commercial information held by it, including intellectual property, for personal gain or that of any other person or group;
 - e. must behave towards the governing board, managers, academic and support staff and fellow students in a respectful way, upholding the general principles of ethical conduct, and contribute positively and constructively to the academic work of the institution;
 - f. when participating in study or research activities, must not engage in plagiarism as defined in the Rules of the institution, fail to cite or attribute the work of others, pass off others' work as their own work, or falsify results, and must abide by ethical principles in relation to protection of personal data, and other specific principles in defined subject areas according to the Rules of the institution (for example in medical and veterinary sciences, and sociological research);
 - g. when participating in an examination or other form of assessment, must not cheat, copy others' work, either individually or as part of a group, or attempt to gain any advantage by offering any form of inducement, or knowingly permitting any other person to offer any form of inducement on their behalf.

B. Disciplinary Measures and Sanctions

6. Disciplinary measures should be based on the principles of fairness, confidentiality, and timely notice. Violations of the Code and other Rules of the institution may result in the following disciplinary measures:
 - a. Oral warning to the student, depending on the severity of the violation;
 - b. Warning of the violation in writing;
 - c. Reduction of the academic grade, depending on the severity of the violation;
 - d. Failure of the course;
 - e. Dismissal of a student from the institution.

The rights for taking disciplinary measures vary depending on the measure: course related issues (measures a. through d.) might be imposed by academic staff, while suspension and dismissal shall be imposed by managerial staff of the institution, namely deputy rector and rector, if not otherwise prescribed in the legal regulations of the institution and the Republic of Armenia laws.

In case of imposing measures (c) or (d), academic staff shall consult Programme chair, or the dean, if not otherwise prescribed in the Rules of the institution.

C. Appeal

7. Students have the right to appeal the decision of the mandated unit on the determination of the disciplinary measure.

When disciplinary measures are in writing, the student appeal should be in writing;

When filing an appeal Students shall refer up, if not otherwise prescribed in the appeal policy and procedures of the institution.

Related Rules

8. In addition to the main Rules already noted, other Rules should be adopted or existing rules adapted according to the ethical principles stated above, in accordance with the legislation in force and the institution's statute.

GUIDANCE ON PRODUCING CODES OF ETHICS FOR HEIS

1. *Objective*

The main goal of Guidance is to provide the list of Policies, Procedures, Rules and Regulations that are necessary to ensure effective implementation of Code(s) of Ethics. The Guidance will also introduce the issues that should be covered by each document.

All policies, procedures, rules and regulations should be formally approved by corresponding authorized bodies of the HEI.

2. *Policies, Procedures, Rules and Regulations*

The suggested list of Policies, Procedures, Rules and Regulations should be linked with the adopted Code(s) of Ethics. The introduced list of the documents, as well as the list of issues to be covered by each documents is not exhaustive, and may be extended by each University according to its needs.

2.1. Non Discrimination and Anti-Harassment Policy, which should regulate the following issues:

- Definitions of discrimination, equal opportunity and harassment
- University's commitment to take measures for excluding discrimination and providing equal opportunities to all relevant persons
- The detailed fields and types of activity of the University related to which Non Discrimination and Anti-Harassment Policy should apply
- Internal body responsible to respond to the complaints of discrimination and harassment, to monitor university procedures regarding the Policy implementation
- Procedure for reporting discrimination and harassment and rules of discussion of complaints

2.2. Policy on Freedom of Expression and Freedom of Speech, which should regulate the following issues:

- Definitions of freedom of speech and expression
- University's commitment to defend freedom of expression and speech of all members of University community
- Appropriate time, place and manner restrictions applicable to freedom of expression and speech within the territory of the University
- Internal body responsible for compliance of the Policy and for discussion of complaints
- Procedure of submitting complaints and rules of discussion of complaints

2.3. Policy on Freedom of Assembly and Association, which should regulate the following issues:

- Definitions of freedom of assembly and association
- University's commitment to defend freedom of assembly and association of all members of University community
- Appropriate time, place and manner restrictions applicable to freedom of assembly and association within the territory of the University

- Internal body responsible for compliance of the Policy and for discussion of complaints
- Procedure of submitting complaints and rules of discussion of complaints

2.4. Rules on Academic Freedom, which should regulate the following issues:

- Definition of academic freedom
- Principles of academic freedom
- University responsibilities

2.5. Grade Policy, which should regulate the following issues:

- Grade system applicable in the University
- Credit calculation rules
- Grade appeal cases
- Grade appeal procedure

2.6. Student Probation and Dismissal Rules, which should regulate the following issues:

- Definitions of probation and dismissal
- Rules regulating all grounds for probation and dismissal
- Procedure
- Rules on appeal
- Legal consequences

2.7. Rules on Plagiarism and Ownership of Work, which should regulate the following issues:

- Definition of plagiarism and ownership of work
- Types of plagiarism (accidental, blatant, self-plagiarism)
- Rules concerning the ownership of academic work
- Citation rules
- Penalties in case of violation of citation rules and rules concerning the ownership of academic work
- Authorized body to assign a penalty
- Appeal procedure

2.8. Regulations on Research Integrity and Ethics, which should regulate the following issues:

- Detailed standards of research
- Definition of misconduct in research
- Responsibility to report
- Procedure of discussion and legal consequences

2.9. Anti-Corruption and Bribery Policy, which should regulate the following issues:

- Responsibilities of all University community members under this Policy
- Activities prohibited under this Policy
- Activities permitted under this Policy
- Donations
- Record keeping

- Reporting and protection
- Monitoring and review

2.10. Whistle-blowing Policy, which should regulate the following issues:

- Scope of Policy
- Types of malpractice,
- Protection and safeguards
- Procedure for making a report
- Procedure of consideration of the report
- Independent review of the result of consideration

2.11. Policy on Curriculum Development and Review, which should regulate the following issues:

- Definitions
- Development and consultation process
- Approval process
- Revisions
- Template of a curriculum

2.12. Rules on Conflict of Interest, which should regulate the following issues:

- Scope
- Definition of conflict of interest
- Financial and non-financial conflict of interest
- Rules on registration of interest
- Procedure of disclosure
- Internal body responsible for implementation of this Policy

2.13. Policy on Internal Audit, which should regulate the following issues:

- Scope of internal audit
- Body authorized to conduct internal audit
- Responsibility of the authorized body
- Principles of audit
- Authority of the authorized body

2.14. Risk Management Policy, which should regulate the following issues:

- Key principles of risk management
- Responsibilities of authorized body (bodies)
- System of internal control

2.15. Rules for Governance and Management, which should regulate the following issues:

- Scope and definitions
- Values and principles
- Detailed duties and responsibilities (Fiduciary and other duties; use of public and charity funds, statutory accountability etc.)

- Complaints and procedure
- Appeal

2.16. Rules for Employment, which should regulate the following issues:

- Scope
- Definition of types of employment
- Procedures for appointment, promotion, discipline and termination
- Authorized body (bodies) responsible for implementation of Rules for Employment
- Appeal procedure