

Public Participation in Belarus Higher Education Management Monitoring

Legal framework for public participation in higher education management

Legislative regulation of Belarus higher education system is based on the Constitution, Education Code, related laws and the Republic of Belarus President's decrees.

Education Code adopted in 2011 doesn't include such terms as social partnership, institutional autonomy and academic freedom. The fact that Belarusian legislation blocks the European vector in higher education development becomes more and more obvious for different interested parties in our country. Parliamentary hearings on Education Code in 2013 showed that the need for legislative reforms found supporters among a number of State institutions Rectors, Parliament Members and state officials. In 2015 the Ministry of Education prepared amendments to Education Code but the new Code edition's terms of consideration in the National Assembly have been constantly postponed. The legislative framework comes into escalating conflict with higher education reforms objectives encouraging legal nihilism and administrative highhandedness.

Actors in Education system management

Education Code identifies four institutional actors in Belarus education system management: 1) President, 2) The Council of Ministers, 3) Ministry of Education, 4) Local executive and administrative authorities.

Article 107 of Education Code grants the President of the Republic of Belarus exclusive rights to determine state policy in education and to ensure its core areas implementation. The law doesn't envisage National Assembly participation in educational policy development while the Government, the Ministry of Education and other government agencies functions are only confined to its policy implementation. Other higher education stakeholders and social partners completely excluded from the decision making process at this level.

State policy development by the President conveyed either in decree format and various approvals or in the form of political rhetoric. Presidential decrees settle

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licensing issues, training, retraining and professional training matters and human resources policy for higher education institutions, rector's appointment and dismissal procedures. The President has a right to regulate any matters by signing a decree – from defining basic principles of education policy to rector's dismissal for accepting bribes.

The President also manages higher education system in the form of political rhetoric by verbal intervention – orders, instructions at the events of various levels, in his messages to Belarusian people.

The most mass activity out of Presidential level of events is a meeting with countries pedagogical community best representatives so –called “The National Teachers' Council”. Presidential orders issued in the form of protocol and become a guide to action for entire educational system.

Education Code defines the following Council of Ministers functions in the field of education: the state education policy implementation; overall educational system management; definition of cooperation areas between central government, other state organization under the Republic of Belarus Government, local executive and administrative authorities in the field of education; conducting foreign trade policy in the field of education in Belarus and adoption of all necessary measures for its implementation. The Council of Ministers approves the Regulation on targeted workers and employees training; determines guarantees and compensations for students participating in educational events and in academic mobility programs being sent to study in foreign countries' institutions; exercises other given powers in the field of education.

The Council of Ministers could be an interest of stakeholders in terms of promoting public initiatives. Public participation can be implemented by sending petitions, making suggestion or proposing some activities directly to the Council of Ministers or to accountable to it structures.

One of examples of lobbying was a public campaign for making transportation free for students in 2011. Then, under the students' pressure (526 signatures were collected), Mogilev Regional Executive Committee was forced to appeal to the Council of Ministers with a request to provide students and pupils from secondary specialized educational institutions with free access to public transport.

There are a number of different Councils functioning under the Council of Ministers patronage such as Public, Experts, Coordination Councils, etc. In the field of higher education, the Rectors Council is established. The stakeholders' free participation in Rectors Council is prohibited but this Council could be also used to address different



issues attracting their attention to the problems in education. According to Education Code, the Ministry of Education authorized to ensure state education policy implementation, educational system functioning, establishing international cooperation, developing educational standards, educational programs study documentation, organizing and implementing fundamental and applied research, experimental and innovative activities in the field of education, etc.

In terms of public participation in higher education management, some possibilities are provided by the Ministry of Education powers to coordinate forming students summer work groups and their activities; to participate in intergovernmental organizations, commissions and committees and public associations activities; appointing and dismissing private higher education institutions heads; issuing written authorization for students studying at Belarusian educational institutions and leaving to study abroad.

Public stakeholders can also use a formal channel to affect the processes in higher education management such as institutionalized process for reviewing and considering citizens and entrepreneurs applications, complains and proposals in the field of education. Following the appeals review and if there are grounds for positive decision on the questions at stake, the Ministry is obliged to issue binding instructions for resolving those matters.

The other opportunity for public stakeholders to be included in the higher education management is to use the voluntary Coordination (and other) Councils established under the Ministry of Education. Their composition includes Ministry of Education officials, representatives from central government, local executive and administrative authorities, other state agencies, higher education organizations, public associations and other legal entities.

The local executive and administrative authorities' jurisdiction in the field of education includes education institutions', located within the administrative unit, management, estimating the needs in personnel, collecting data on targeted education needs, providing graduates with their first place of work.

Although, the local executive and administrative authorities do not listed in Education Code among higher education management actors, the local authorities legal acts include those functions as their responsibilities.

For example, the Regulation on education management department of the Grodno Region Executive Committee whose chairman is known for personal involvement in university faculty dismissals, describes the committee competences as follows:

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“Education department: organizes Grodno region education institutions activities (further – education institutions); preschool education establishments; general secondary education establishments; professional and technical education establishment; special secondary education establishment; higher education institutions”.

State-Public Nature of Education Management: Implementation Practices

Article 2 of Education Code declares that state – public nature of education management is the base for the state education policy. Code allows the education associations and ‘coordination and other type of Councils in the field of education’ establishment, declares to ensure ‘other organizations and public association participation in education system development’.

Indeed, there are a number of advisory bodies in Belarus related to higher education operation. Among them, especially National Higher Education Institutions Rectors Council established by Presidential decree stands out. The Council is lead by its chairperson elected by simple ballot. The Council forms Presidium, Commissions, and Regional Rectors Councils. The Rectors Council endowed with relatively wide powers in terms of making recommendations and submitting proposals for higher education development including management system, increasing the quality of education, analyzing and providing expertise on draft laws including educational standards, Belarus international agreements regulating higher education institutions and research activities; developing regulations on higher education institutions personnel social security, enhancing international cooperation.

A number of Councils (Teaching and Methodology Association, Coordinating Research and Methodology Council, Council of Teaching and Methodology Association in higher education, Council on Informatization in Education under Belarus Ministry of Education, Research and Methodology Council under Belarus Ministry of Education) are established by the Ministry of Education to develop educational standard for higher education, curriculum, to publish textbooks and other.

Another group of Councils is focused on coordinating student organizations activities including National Public Student council under the Ministry of Education, National Youth Council under the Ministry of Education, Regional Student Councils under the Executive Committee Chairperson, Regional Coordinating Student Councils. The common feature of all existing consulting bodies is that the decision on establishing Council as a rule, is adopted by the Council of Ministers at the national

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level while at the local level this is done by the Executive Committee or by the relevant local authority or its official representative under which this Council is established. There are no documents regulating such Councils activities available for public access. As a rule, there is no Rules of Procedures setting the ratio for representatives from state and public organization in the Council as well as criteria for public organizations/associations/union participation in Councils' activities. Councils' decisions have only recommendation nature. In spite of the fact that the legislation envisages the Public Coordinating Councils establishment under Ministries, the Ministry of Education avoids establishing such Council.

In reality, public participation in higher education management is missing. Those legal instruments, which citizen or public association can use to affect education management somehow are suggestions, complains, petitions and are exercised in accordance with the law on citizens' petitions, on consumer rights protection, on prosecutor's office, on professional unions, mass events. In other words, stakeholders have right to request, to protest, to demand but in no way to manage. Only state officials make managerial decisions.

Institutional Autonomy

Education Code higher education section strips university community of any instruments to influence university management process. Rectors have unlimited powers within the universities and lead Senate and other established Councils and Boards but they are not elected by university Senate or Board of Trustees thus they are not accountable to academic community.

Organizational autonomy

Formally, in accordance with Article 208 of Education Code, head of the State university is appointed to and dismissed from its position by the President of the Republic of Belarus. The head of the private university is appointed to and dismissed from its position by the Minister of Education based on the Founder's request.

The Regulation "On Higher Education Establishments" adopted in 2015 doesn't include any procedures related to Rector's election because such elections are not envisaged. According to Decree №645 from 2001, Rectors are included into President's personnel register that means that President agrees with their appointment.

The National Rectors Council is an official stakeholder in rectors' appointments as

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one of his duties is to ‘participate in selection procedure for higher education institutions’ heads.... and to form human resources reserve for Top and Executive positions’. The selection process is not transparent if it exists.

As practice shows, sometimes in the processes happening prior to rectors’ dismissal from its position, regulatory authorities (State Control Committee, Prosecutor and KGB) are involved as well as local executive authorities’ Chairmen. Thus, Belarusian laws do not envisage rector’s appointment and dismissal through the election by university’s community. The term in the office is also not settled.

University Senate external candidates selections is set by “Regulation on Higher Education Institutions’ Senate” approved in 2011. According to it, “ Representatives of local executive and administrative authorities and other state bodies, organizations – customers in personnel preparation, public associations and other organizations are included as Senate members based on heads of those organizations recommendations”. It is difficult to understand from these wording who makes decision on external candidates’ inclusion: heads of those organizations or some university’s body while the regulation clearly describes the election procedure for Senate from students and faculty community and from university’s executives. The regulation doesn’t explain or gives vague and ambiguous wording on external members share in Senate and their election to this university body. If external candidate’s participation in university Senate work is the external organization initiative then it limits institutional autonomy to large extent. Besides, such interpretation of this procedure can create a situation when external candidates will be able to pressure university’s faculty and executives representatives, as the Senate places share for each category is not defined. This uncertainty creates the basis for administrative arbitrariness and contributes to both institutional autonomy limitation and higher education stakeholders’ discrimination. In any case, practice for external stakeholders’ inclusion into Senate confirms rector’s complete arbitrariness in this matter so far.

The university’s Founder approves decisions on university’s academic structure including legal entities establishments. This process doesn’t envisaged public participation in it.

Belarusian legislation doesn’t provide any significant stakeholders’ inclusion in and influence on university financing and the financial autonomy level is low.

Human resources autonomy

Academic personnel hiring procedure is set in “Regulation on procedure for faculty positions substitution in Belarusian higher education institutions” approved in 2011.

Universities do not have rights to hire faculty members on long-term contracts without a public tender. However, a significant university autonomy limitation is that for being elected to applied position faculty member candidate must meet qualification requirements set in Regulation. In particular, candidates for senior academic positions must have relevant academic degrees and titles, which are awarded by the government authority – High Attestation Committee.

All senior administrative personnel (Vice Rectors, Deans, laboratories’ heads and other) are appointed by Rector’s order. Exception is departmental heads who are appointed by Rector’s order only after they are elected to this position by Senate. In this case, stakeholders’ representatives in universities’ Senate have the opportunity to influence human resources policy in formal way.

Academic autonomy

Education Code (Article 57) states that students’ admission quotes for higher education set by institution’s Founder and based on a plan formed by governmental agencies and on estimated manpower needs.

In Belarus, there is a gradual shift from cooperative model to setting the admission plan by state agencies. University should use the Ministry of Education key admission figures when determining their admission plan. This approach applies to both state and private higher education institutions (starting from 2010 private higher education institutions should accord their admission plans with the Ministry of Education).

After the introduction of centralized testing and admission to the university based on its results, Belarusian higher education institutions list any autonomy in students’ selection. In Belarus, universities have no right to decide on opening new educational programs on its own.

According to Education Code (Article 90) “the language of instructions and education is determined by the Founder taking into account students wishes (underage students’ legal representatives). Education institutions and organizations implementing postgraduate education can deliver programs in foreign language



when necessary conditions are set and in coordination with Belarus Ministry of Education. This means that education institutions can't set the language of instruction without the Founder's agreement.

With regard to quality of education control, Article 124 of Education Code consolidates it at authorized state agencies hands. The Quality Assurance Department of the Ministry of Education decides upon granting or refusing higher education institution accreditation. This is the only agency that authorized to control the quality of education. Thus, Belarusian higher education institutions have no right to select accreditation agency.

According to Education Code (Article 217) specialty curriculum at the higher education institution (specialization, specialization type) is developed on the basis of standard specialty curriculum (specialization type). Standard specialty curriculum (specialization types) are designed by organizations engaged in research and methodological support for higher education and educational associations and then approved by the Ministry of Education. Moreover, even higher education institutions study program for discipline is developed on the basis of standard study program approved by the Ministry of Education. It means that Belarusian higher education institutions have significant limitations in exercising their right to design educational programs content. However, during the last 2 years, we can observe universities' right in expansion in academic field. As there is no visible moves happened at the law lever, then adoption of secondary legal acts has widened universities' autonomy.

In 2013 Belarusian Ministry of Education (orders № 143 from 7 March, 2013 and № 850 from 30 December 2013) approved new forms of Educational standards layout for I and II tire of higher education and developed and approved (2013-2014) new generation of standards that sufficiently meet Dublin descriptors requirements.

Higher education institution, when developing its curriculum, has a right to derogate from standard curriculum within 15% of the number of hours allocated on mastering in study disciplines while disciplines cycles volumes – within 10% limit without exceeding maximum weekly workload.

New educational standard layout for II tire programs allows shifting accent from state component in favor of educational institution component: now 30-35% of study time is allocated for state component and 65-70% remains at the higher education institution discretion. However, such flexibility is due to very small number of master programs students (less than 2% of students).



Taking into account the weight of each academic autonomy indicator we can easily state that Belarusian universities academic autonomy level is very low. Belarus can't be ascribed a high value on any parameter. Yet, it is assumed that Belarusian universities have some independence in admission plan but all the other indicators show zero autonomy level.

Cooperation with stakeholders and students participation

Full-fledged partnership with stakeholders in higher education can not be formed under conditions when state as one of the main participants in this relations is constantly implements its authority by imposing their will on other party.

Education Code doesn't present the 'social partnership' concept despite the fact that it was declared as one of state educational policy priority. Now in Belarus there is one main form of social partnership implementation that is the collective agreement between the Ministry of Education and official Belarusian professional union of education and research employees. This agreement regulates relations between the state (represented by the Ministry of Education) and its employees, but doesn't represent the interest of other social partners: parents, employers and students.

Relations between universities and employers are defined in Article 210 of Education Code only in terms of customer and supplier relations. Wherein customer as well as other stakeholders excluding governmental agencies, removed from real participation in higher education management. Employers and other stakeholders are not represented in universities' Councils and Senate although there is such possibility in formal terms.

The Public Council under the Ministry of Education has not been established till now while the Board of Trustees established in some universities do not have any instruments to influence educational process. Hopes to expand employers' participation in managing quality of education are associated with the prospect of developing professional standards but this process didn't move beyond pilot project launched in 2014.

While Belarusian Law "On Higher Education" from 11 July 2007 contained the term 'student self government' then Education Code that entered into force on 1 September 2011, doesn't have either term 'student self government' (SSG) or procedures for student self government to secure their status, competences, organization structure and activities implementation.



Education Code allows students to:

- Participate in education institution management
- Participate in trade unions, youth organizations and other public associations whose activities are not contrary to the law.

Participation in university's management could be achieved through participation in university Senate work. Ministry of Education regulation on University Council (similar to Senate) requires 25% of its places to be allocated for students. Although this body doesn't have real powers due to the fact that all powers are concentrated in rector's hands and administrative control over elections (if any) leaves little hope for student representation independence, many universities do not meet this formal requirement. Councils composition and its activities are closed for public and unknown to students in most of the universities. In November 2014, Independent Belarusian Bologna Committee activists were forced to turn to Belarus Prosecutor's General office with request to verify fulfillment of the legislative norms on student representation in universities Councils.

Although Belarus has student self government network, their role in universities activities is very limited. The student organizations names, its structures and duties differ from each other and depend on the university. The only unified student self government system operates only within students dormitories un a form of "Student Councils".

SSG elections are not universal and free where students elect their representatives. As monitoring showed, election to majority of SSG is a simple formality to approve those candidates that were appointed by the university administration. All student self government decisions are not binding until they are approved by the university leadership. Often, SSG approve decisions prepared in advance by university administration and have no real impact on students' life except students leisure.

Based on SSG research presented in White Paper <http://bolognaby.org/?p=878&lang=en>, other significant shortcomings of a modern system for student participation in university management in Belarus are:

- Absence of legal entity status by absolute majority of SSG organizations
- Absence of SSG financial independence
- Absence of unifying and coordinating Belarusian SSG authority built on democratic principles
- Lack of students' motivation to participate in SSG due to SSG low effectiveness and weak influence in addressing students concerns.

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The BRSM (Belarusian National Youth Union– an analogue to Soviet Komsomol) primary organizations in universities are not independent public organizations and can't be considered as full-fledged student self government bodies because BRSM is built into the governmental structure. Belarusian National Youth Union is funded by the state as from state budget (secret budget lines) and from the funds allocated to support state youth policy. BRSM main activities at the universities are directed to culture, organizing students' employment outside of study hours and state youth policy implementation in higher education institutions. In addition, Belarusian National Youth Union has resorted to various pressure methods on students to maintain its size.

Since 2001, the government has been consistently closing any independent student organizations or denying their registration under the false reasoning. So , in 2013, Brotherhood of student self government organizers (BSSO), independent student organization that unites self government leaders from almost half of Belarusian universities, was denied state registration. Association “Zadzinochanne Belaruskikh Studentov” (ZBS) that represent Belarus in European Student Union (ESU), was liquidated in 2001 by court decision and since then is forced to continue its activities underground. ZBS members risk of becoming victims of criminal prosecution for participating in unregistered organizations (Article 193.1 of Criminal Code) like many other members of forcibly liquidated or unregistered student and youth organizations.

Conclusion

A distinctive feature of Belarus education system is statism encouraging the constant state interference into education process participants' relations. The state doesn't take responsibility for dissent funding allocation for education or creating condition to attract private investments but on the other hand, the state doesn't refuse to close on itself and to mediate relations among higher education groups of interests and stakeholders.

However, in spite of Belarus educational system crisis, Belarusian authorities are not ready to decentralize higher education management. The Ministry of Education draft law on amendments and addition to Education Code took care to preserve all rules suppressing even timid hopes for strengthening academic community autonomy, education stakeholders equal partnership or democratic procedures for appointing education institution heads. And it is not only about political risks. There



is no special opposition among students and faculty in Belarus as well as there is no threat to undermine authorities from other stakeholders. Total distrust and suspicion of any amateur form is powered by traditional statism ideology imposing paternalism and state monopoly values on the truth.