**PROPOSALS**

**by Independent Bologna Committee for the development of the road map of the implementation of the requirements for Bologna club candidates**

We do recognize that Belarusian higher education has some achievements in the implementation of structural reforms and the progress in the implementation of some Bologna tools. At the same time, we should note the lack of any positive changes in the law and practice of the implementation of fundamental European academic values. The institutional autonomy status, public participation in the higher education management or the ensuring of teachers’ and students’ academic freedom has not substantially changed since 2011. In some cases we even have to talk about the worsening situation and strengthening of academic repression in Belarusian universities. Thus, the reasons for the delay consideration of the current Belarusian applications are the same like four years ago. We do think that a road map should be developed by the collaborative work of all stakeholders. It should include approved time table of the implementation of European academic values in to the legislation and practice of education, as well as the obligations of official Belarusian side to fulfill them.

The Independent Bologna Committee devised amendments to the Education Code that would be the key indicators of the fulfilment of the Bologna requirements.

**Safeguards for academic freedom**

We suggest adding **par.** *Autonomy of educational institutions and academic freedom* to **art.2**

**Fundamentals of state policy in education**.

**Art.31. Basic rights of students** should be amended with

*Right of respect for political, religious and national views*

*Right of respect for legal rights and academic freedom*

We suggest adding the following to **art.52. Rights of pedagogical workers:**

*Has a right for freedom of thought, conscience, religion, opinion, association and assembly, as well as right for personal freedom, security and freedom of movement.*

In the section **Higher education** in **art.207** there should be the definition of *a higher education institution as scientific and educational community with a high level of organizational, financial, staffing and academic autonomy and academic freedom*

Include the following definition **into art.208:**

*The faculty, research fellows and students of the higher education institution have a right for freedom of teaching and learning, free expressions of views, freedom of creative and research work, right to participate in associations, unions and other organizations, freedom of movement and professional communication, right to participate in university government. These rights are secured by law and in the statute of the education institution.*

To secure academic freedom (exclude ungrounded restrictions) we suggests excluding the term “state ideology” from **par.2.1** and **3** of **art.18** and completely excluding **par.5.2**.

We suggest *excluding the concept “standard syllabus” from the* **Art. 217**  *Code*.

We suggest reformulating **par.8** as following: *In higher education institutions teachers are free to decide on textbooks, handbooks and other learning aids for the educational process.*

We suggest adding the following clarification to **par.2** of **art.121:** *academic mobility can be initiated by students, pedagogical workers, research fellows, and creative workers of the education institution*.

*The ground for individually initiated academic mobility is an official invitation from a foreign educational organization, research centre, or other organization or institution.*

*The administration of the institution creates favourable and equal conditions for academic mobility, encourages cultural, sports and other types of exchange of students and pedagogical workers.*

*Academic mobility is an inalienable right of pedagogical workers and students. Any ungrounded denial of participation in academic exchange programmes, prosecution for participation in such programmes or any other violation of lawful rights of pedagogical workers and students is not allowed.*

We suggest formulating **par.1.10** of **art.52** the following way: *free association into professional unions, other public associations that are allowed to operate in the educational institution without registering a legal entity.*

Taking into account the restrictions on academic freedom practised in the Belarusian higher education system we suggest amending **art.52 par 1.12** with *the right for free publication of results of personal research and works in books, journals, and data bases at one’s own discretion and under one’s own name on conditions of their author- or co-authorship*

**par.1.13** with*the right for protection of their intellectual property*

**par.1.14** with the*right for free expression of opinion about the institution or the system they work for or in, for freedom from censorship, including free access to international computer systems and data bases necessary for their professional activity*

**par.1.15** with*guaranteed employment in the profession including open-ended contracts*

**Increasing institutional autonomy**

The following recommendations on changes into the regulatory base of the Belarusian higher education are aimed at raising the level of organizational, financial, staffing and academic autonomy to the level of the leading education systems of Europe.

**Organizational autonomy**

Organizational autonomy of Belarusian higher education institutions can be assessed according to the criteria of the European University Association (EUA) only with reservations and with references to the specific management conditions of the Belarusian higher education system.

**1. Selection procedure for the executive head (rector).**

**2. Selection criteria for the executive head (rector).**

**3. Dismissal of the executive head of the university**.

The suggested amendments to the Education Code concern the administration of the higher education institutions.

In particular, we suggest the following norm:

*Head (rector) of the higher education institution* (from Russianabbreviation UVO *uchrezhdenie vysshego obrazovaniya* ‘institution of higher education’, hereinafter referred to as HEI*) is appointed and dismissed by the collegial (elective) body through the procedure set by law and the statute of the HEI.*

*The powers of the rector of the HEI are set by the statue of the HEI.*

*The rector can be dismissed earlier for a serious misconduct, loss of confidence of the academic community, physical or mental incapacity and conviction of an offence.*

**4. Term of office of the executive head.**

We suggest the following amendments to the **Code**:

*The Rector is appointed for a five-year term and can serve no more than two periods.*

**5. Inclusion of external members into the governing body.**

**6. Selection of external members of the governing body.**

The suggested changes into **the Code** proceeding from the need for the stakeholders to practically participate in managing the university and for transparent procedures of their inclusion into the governing body. We suggest the following governing system.

*The main governing bodies of the HEI are: the council of the HEI (the senate), the* *governing board , the rectorate and the rector*

*1. The main functions of the governing board are:*

*Selection of the rector from 3 candidates suggested by the senate*

*Dismissal of the rector and vice-rectors nominated by the council of the HEI*

*Announcement of the rectoral election*

*Development of the election procedure*

*Election of vice-rectors nominated by the rector*

*Adoption or approval of establishing legal entities and ownership procedures*

*Adoption of the university development plan*

*Adoption of regulations of formation and work of the rectorate*

*Approval of the budget submitted by the rectorate*

*Appointment of the auditor and informing the stakeholders about misconducts of the university administration or threats of serious financial losses*

*Conclusion of the contract with the rector*

*The* governing board *consists of an uneven number of members (3,5,7,9), 1,2,3,4 of which are appointed evenly by the council of the HEI (the senate) and the founder, and one extra member is appointed by the coordinated decision. Board members cannot be civil servants of any kind, politicians or employees of this university. Any professional relations of the board members with the university require approval of the managing board. Members of the* governing board *should be authoritative and responsible representatives of academic, cultural or business circles, competent enough for performing duties on the board. Board members have full right to receive any information about the HEI.*

*Abuse of this right entails liability by law.*

*2. The council (the senate) of the higher education institution performs the following functions:*

*Approves the statute and amends it*

*Approves development plans and submits them to the governing board*

*Determines and changes the membership of the governing board and participates in its formation*

*Adopts the announcement of the rectoral election submitted by the governing board*

*Expresses opinion on vice-rector candidates for the governing board*

*Shortlists three candidates for the position of rector for the governing board*

*Participates in the dismissal of the rector, vice-rectors, members of the governing board*

*Holds elections of deans, directors of institutes and other research units, heads of departments, professors and associate professors, other positions of the faculty, determines regulations and procedures of elections and dismissals for collegial bodies of organization units of the higher education institution and appointment regulations for other positions.*

*Decides on structural changes of research and academic units*

*Approves plans for research and developments, creative works, etc.*

*Approves and changes curricula*

*Determines the intake number and admission rules*

*Awards academic degrees and titles, honourable academic degrees and titles*

*Considers appeals against administration decisions*

*Forms a committee for dispute settlement*

*Establishes and determines the agenda of commissions and working groups*

*Decides on opening new programmes (specialties)*

*The council (the senate) is formed of professors, including heads of academic and research units, other categories of the faculty and research fellows, students and non-academic staff.*

*The order of the council (the senate) formation is determined by the statute.*

*The rector is a member of the council (the senate) ex officio.*

*The chair of the governing board and the council (the senate) is elected form the membership of the corresponding governing body and dismissed by simple majority.*

*The rector has no right to chair the council (the senate).*

*3. The powers and functions of the rectorate are determined by the statute.*

*4. The powers of the rector are determined by the statute.*

**7. Capacity to decide on academic structures.**

We suggest including into **the Code** the norm vesting the university council (the senate) with the right *to take this type of decisions.*

**8. Capacity to create legal entities.**

Suggestions into **the Code** are the following: *to entitle the governing board of the university to adoption or approval of establishment of legal entities and their ownership procedures*.

**Financial autonomy**

**1. Length of public funding period.**

**2. Type of public funding.**

**3. Ability to keep the surplus.**

**4. Ability to borrow money.**

We suggest amending **the Code** in the following way:

*The education institution is financed by its founder according to a long-term agreement between them. The budget period cannot be less than three years. Under the contract between the founder and the education institution it can operate by self-financing.*

*Public education institutions are free to decide on directions and the order of allocation of budget and off-budget funds, including the part allocated for salaries and financial encouragement of workers of education institutions. Higher education institutions are free to use the surplus on public funding and adjust it for the following year. They are also allowed to use external funding in form of loans from banks, financial companies, or funds.*

**5. Ability to own buildings.**

We suggest the following changes into the **Education Code**:

*The higher education establishment has a right of ownership of funds, assets and other property items including buildings and other real estate objects passed to it by individuals and (or) legal entities in the form of a gift, donation, bequest, or other lawful means, a right of ownership of products of intellectual and creative work, which are the result of its activities, as well as of revenues from its own activities and objects of ownership purchased for those revenues.*

*Alienation of the property of the higher education institution is only possible to secure its statutory objectives and with the consent of the collegial management bodies of the HEI.*

*The education institution meets its commitments by its funds and other property at its disposal. The latter being insufficient, the owner of the property allotted to the institution takes the commitments according to legal procedures.*

*When the education institution is liquidated, the funds and other objects of property owned by it, after deduction of commitment coverage, are intended for development of education according to the statute of the education institution.*

**6. Ability to charge tuition fees for national students.**

It is possible to raise the autonomy level by *entitling the university governing board to set the fee for education services*.

**Staffing autonomy**

The legal framework for appointment, dismissal and promotion of academic and administrative staff in Belarus is not significantly different from the European model of staffing autonomy. At the same time, traditional university staffing schemes have a specific character in Belarus, which limits the rights of higher education institutions.

**1. Capacity to decide on recruitment procedures of senior academic staff.**

We suggest adding the following statements into **the Code**:

*Positions of pedagogical workers (assistant, lecturer, senior lecturer, associate professor, professor, head of the department) in higher education institutions are filled on a competitive basis. The order of the competition is established by the council of the higher education institution. The person appointed to a pedagogical position through a competition is employed by the head of the institution on a fixed term contract basis for the whole term of the appointment.*

*The university council (the senate) is entitled to awarding academic degrees and titles, honourable academic degrees and titles.*

**2. Capacity to decide on recruitment procedures of senior administrative staff.**

We suggest the following changes of **the Code**: *the university council (the senate) is entitled to elect deans, directors of institutes, other research units, heads of departments, and to establish regulations and procedures of replacement of these positions*

**3. Capacity to decide on salaries of senior academic staff.**

**4. Capacity to decide on salaries of senior administrative staff.**

To raise the level of staffing autonomy we suggest entitling the governing board of the university *to establish conditions and procedures of remuneration of the administrative, academic, research and support staff.*

**5. Capacity to decide on dismissals of senior academic staff.**

We suggest *entitling the university council (the senate) to elaborate regulations and procedures of dismissal of senior academic staff*.

**6. Capacity to decide on dismissals of senior administrative staff.**

We suggest entitling the university governing boardto decide *on dismissal of senior administrative staff on proposal of the university council (the senate).*

**7. Capacity to decide on promotions of senior academic and administrative staff.**

We suggest including the following statement into **the Code** that will prevent the rector from arbitrarily establishing the term of contract: *The person appointed to a pedagogical position through a competition is employed by the head of the institution on a fixed term contract basis for the whole term of the appointment.*

We suggest *handing over the power to promote senior administrative staff to the university governing board.*

***The amendments to the Education Code will increase staffing autonomy of Belarusian universities from 25% to 90-95%.***

**Academic autonomy**

**1. Capacity to decide on overall student numbers.**

We suggest amendments to **the Code** that will *entitle the university council (the senate) to set the admission plan and the admission procedure*.

**2. Capacity to select students.**

Our suggestion: *Entitling the university council (the senate) to decide on the procedure of student admission* will widen academic autonomy of Belarusian higher education institutions.

**3. Capacity to introduce and terminate degree programmes.**

We suggest *entitling the university council (the senate) to decide on opening new educational programmes.*

**4. Capacity to choose the language of instruction.**

We suggest the following changes **of art.90** of the **Education Code**: *higher education institutions are free to decide on the language of instruction for educational programmes of any level (degree level) of higher education*

**5. Capacity to select quality assurance mechanisms.**

Resolution No.820 of the Council of Ministers of 22 June 2011 approved the regulation *On state accreditation of educational institutions, other organizations that are entitled to educational activities, and confirmation of state accreditation*. These procedures have no alternative, but can be slightly modified by the unified high school quality assurance systems.

**6. Capacity to select quality assurance providers.**

We suggest including a provision that *entitles to selecting a quality assurance provider:* *The education institution is free to select an organization for external quality control from the list of organizations authorized in compliance with this Code.*

**7. Capacity to design content of degree programmes**

 We suggest the following changes into **the Code**: *the university council (the senate) is entitled to approve* *curricula.*

**Student self-government and participation in university management**

We suggest adding a special *article 208 B* into the **Education Code**:

*Student self-government and participation in management of the HEI*

*1. In the HEI and its structural units students and PhD students have a right for self-governance and establishment of different self-government bodies.*

*All students and PhD students have equal rights for participation in self-government bodies that are elected by secret ballot.*

*2. Student self-government protects rights and interests of persons studying at the HEI and secures their participation in managing the HEI.*

*The higher body of student self-governance is a conference of persons studying at the HEI that adopts the statute, amends it, elects student self-government bodies, decides on the report of the executive student self-government bodies, and elects representatives in the council (the senate) of the HEI, other governing and self-government bodies of the HEI.*

*The interference of the HEI administration and other administrative bodies into the decision process of the conference and student self-government bodies is not allowed.*

*3. The powers of student self-government bodies in issues concerning rights and interests of students studying at the HEI are coordinated by the council (the senate) of the HEI and student self-government bodies and secured in the statute of the HEI.*

*The council of the HEI should include 25% or more of student self-government representatives elected by secret ballot at the conference of persons studying at the HEI.*

*4. Student self-government bodies can have a legal entity status, perform economic activities, and obtain sponsor funds for statutory activities.*

*Student self-government is funded on a yearly basis from the HEI budget according to the agreement between the student self-government bodies and the council (the senate) of the HEI.*

*The head of the HEI is obliged to secure appropriate conditions for student self-government bodies and provide rooms, furniture, office equipment, telecommunication and a separate page on the HEI web-site.*

*5. City, regional (oblast) and national student unions can be established in the Republic of Belarus.*

*6. Representatives of student self-governance of all HEIs of the Republic of Belarus elected at HEI conferences by secret ballot form the Council of the National Student Union. The Council adopts the statue, amends it, elects executive bodies of the National Student Union, decides on reports of the executive bodies, and elects representatives into the public council of the Ministry of Education.*

*7. Representatives of student self-governance of the city and region elected at corresponding HEI conferences by secret ballot form the Student Council of the city or region. The council adopts the statue, amends it, elects executive bodies, and decides on reports of the executive bodies.*

Recommendations on education policy, principles of higher education management, Bologna instruments and social safeguards in the higher school together with recommendation on raising institutional autonomy, securing safeguards of academic freedom and student representation will open for Belarus the gates into the European Higher Education Area.