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Ms. Carla Pazzaglia, *Administrator*

Contact address
Observatory of the Magna Charta
    Via Zamboni 25
    40126 Bologna, Italy
    Tel. +39.051.2098709
    Fax +39.051.2098710
    e-mail: magnacharta@unibo.it
    www.magna-charta.org

Observatory for Fundamental University
Values and Rights

Academic Malpractice Threats and Temptations

An Essay
of the Magna Charta Observatory and
The National Unions of Students in Europe (ESIB)

Andris Barblan
Michael Daxner
Vanja Ivosevic

OBSERVATORY
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Foreword

by Andris Barblan, Secretary General,
Magna Charta Observatory, Bologna

The Magna Charta Observatory monitors the use and abuse of university values and rights in today's society. It is interested in how and why academia is conferred academic freedom and institutional autonomy not only as the privileges of scientific reflection but also as the conditions that allow for the shaping of intellectual development in society.

When such conditions turn into simple privileges however, universities may fall into the temptation of becoming their own references, thus losing their legitimacy – which is justified by the creation or re-engineering of ideas, that is by the exploration and dissemination of art and science in local and global communities. When easy shortcuts towards academic achievements are made possible for lack of personal morality and institutional ethics, university integrity is at risk. This is all the more dangerous when money and prestige are seen to derive from positions of power in academia and when some people use for personal gains the trappings of institutional power.

Doubt is thrown on the validity of research results, teaching quality and degrees when an institution is suspect of improprieties. Students are the first to suffer from university misconduct when the level of their learning and achievements seems uncertain for employers. That is why, over the last few years, several ESIB members, the national unions of students in Europe, have been enquiring about corruption and academic malpractice in their country.

Two years ago, the Magna Charta Observatory asked ESIB if they could extend this research to a greater number of their members – on the way to a general mapping of possible university misconduct in Europe. The Observatory felt indeed that academic malpractices so invalidate the intellectual and scientific credibility of higher education and research in society that a joint project between ESIB and the Magna Charta would certainly help offer references against which misbehaviour could be made visible, measured or even sanctioned, such references having also some use in parts of the world other than Europe.

In February 2005, the two organisations issued a *Statement of concern* (see below) that pointed to the areas of academic activities usually threatened by various forms of corruption. ESIB then completed its survey while members of the Magna Charta reflected on the how and why of academic malpractices, in so far as they jeopardise autonomy and academic freedom – not only among university individual members; at institutional level also, the organisation of science and teaching itself may induce possible misbehaviour.

The following *Essay* is thus an explanation of the *Statement of concern*, the first two sections discussing the *mission* and *strategies* the universities need to be aware of if they are not to induce their members – teachers and researchers, administrative staff or students – into

the temptation of easy or fake achievements. The third section, much less philosophical or sociological than the first two, offers, in a report-like fashion, a synthesis of the results obtained from the ESIB enquiry on academic malpractice in various countries of Europe. The last pages of the booklet call for institutional measures to be taken by university government in order to *uncover, control* or *eradicate academic malpractices* in higher education and research.

From this joint effort, it became evident that codes of deontology – focusing on personal behaviour – are not sufficient to rid universities of academic malpractices; institutions as much as individuals are responsible for what happens within university walls; that is why the conditions of integrity must be managed inside the institution in order for the prestige and authority of the university to remain flawless outside. The *management of integrity* is therefore the topic ESIB and the Magna Charta would like this project to lead to.

To encourage the process, the *readers of this Essay are welcome to react* to the analyses made here below by indicating which *policies* the academic institutions they know – as centres of enquiry and experimental development – are using to ensure *proper behaviour*, considering that universities are claiming for long term credibility and ethical visibility to justify their social role at the apex of the educational system.

In other words, the project on academic malpractice is still in the making; this booklet is a first step in the programme; in September 2007, the Bologna annual meeting of the Observatory will deal with the topic with the help of ESIB and point to suggestions for further action that could be made at the 20th anniversary of the Magna Charta in September 2008.

Statement of Concern

*A document of the Observatory Collegium
and ESIB Executive Board*

Why?

Academic freedom and institutional autonomy are no gifts from heaven but rights enabling universities to contribute responsibly to a changing and increasingly international society. Independence of thought, capacity of initiative and governance probity shape the institution's credibility, and justify the trust the community puts in its education and research activities.

Respectability is the first victim of laxity, opportunism and partiality. And confidence lost is hard to regain. That is why the Magna Charta Observatory and the European Unions of Students feel particularly concerned by academic misconduct, a social cancer that jeopardises the university's *raison d'être* – and makes nonsense of the Magna Charta principles solemnly endorsed by more than 500 universities, either in 1988, at the occasion of the 900th anniversary of the University of Bologna, or later.

The use of an official function to obtain personal advantages is a permanent temptation, in the universi-

ties as in any other institution. The consequences are greater in higher education, however, since the 'products' of a university are judged mainly on the credit of its services, courses, degrees or innovative projects and ideas. For social purposes, visibility is more important than content. Integrity thus becomes the touchstone of the university's presence in society.

The integrity of university members – teachers, researchers, students and staff – is not a question of individual ethics only, since the institution as such can also be susceptible to shortcuts in order to obtain quick rewards, under the pretext of necessity; or because society encourages a system of exchanges – in kind or in repute - that mixes social positioning with intellectual recognition. In other terms, the system can induce malpractice at collective level.

The danger of impropriety is also strengthened by the transformation of the university into a mass provider of higher education, a conglomerate of many disciplines, institutes and R&D centres – not to speak of commercial satellites – where responsibilities refer to divergent purposes, personal and collective. Integrity implies wholeness: our concern is that universities may be losing sense of their fundamental unity, putting at risk their own identity and that of the higher education system.

How?

Even in a healthy environment, niches of corruption attract *mutually reinforcing irregularities*: when the purchase of access to higher education or specific programmes becomes commonplace, the peddling of examinations and degrees seems normal; likewise, intellectual property neglect induces cheating and the stealing of ideas while meddling with results and meth-

ods to please social masters trivialises the exchange of financial, sexual or other services for promotion rights.

Hidden self-censorship helps shy away from those uncomfortable truths – discretion being encouraged by the fragmentation of academia into self-contained scientific fiefdoms that refer to the world community of scholars, much beyond the walls of the institution. These multiple allegiances make university power games specific and, compared to other institutions, increase the zones of opacity where rules are blurred, a world difficult to approach through legal action.

Like other professional stages, universities may encourage greed, jealousy and ambition, especially when searching for non material rewards such as reputation and publicity. With its subjective assessment of academic propriety, the world of higher education has little power indeed against individuals or cliques wishing to dominate other persons or influence individual and public opinion - all the more so as priority is usually given to individual academic freedom rather than to institutional rights.

Causes and consequences

When substantial bribes buy examiners' indulgence, this is often justified by the low income of professors who require extra resources to survive. However, poverty does not necessarily drive out honesty as the people with some money are often the most greedy! The cause of the problem – beyond individual avidity - also lies in *social constellations* where confidence in law and institutions is elusive. In war torn areas, for instance, corruption falls on grounds all the more fertile that the country is in greater need of trust in administrative processes. If the university, a key shaper

of civil attitudes, proves untrustworthy, a place of appeal disappears in legally unstable countries.

Cheating that makes exams and degrees worthless reflects the *failed internalisation* of truth and honesty rules. When it also aims at obtaining a license to teach – or practise medicine –, it turns into the betraying of society and the daily endangering of co-nationals. Ensuring a successful appointment procedure can represent a turning point in a professional career: if the rules are simply biased to do so, one can speak of malpractice; if they are applied arbitrarily, this amounts to misbehaviour; if they are warped to please dominant powers, this equals corruption – even if discrimination is dressed up as 'justified' selection practices.

Consequently, regulations – internal or external – should be codified in a way appropriate to the *type* and the *context* of inappropriate university practice.

Systems and global approaches

At *system* level, malpractice may grow from social and political circumstances, especially when established rules lack effective sanctions; at *institutional* level, malpractice can hide behind traditional academic bias, and customs that preserve the power of academic elites; at *individual* level, malpractice fluctuates with personal ethical convictions that can express different thresholds of corruption acceptance.

Autonomy is both and *end* unto itself, because it induces a range of potential actions for the provision of science, and a *means* used for other purposes, such as recognition, authority, or knowledge and education considered as services to society. Hence, the legitimacy of the university and its government are bound to trust in its procedures and the quality of its operations – areas constantly requiring strengthened credibility.

At system and institutional level, universities should first contribute to higher education *policy making* by demonstrating public weight as responsible social partners – conscious of their impact on the community – rather than agents responsive to the needs of State or other 'owners'. Then, leadership should develop sustainable processes of good conduct. This requires *a permanent and critical review* of all rules since, too often, institutions tend to react to past evils rather than form internal attitudes helping control future misbehaviour. And to assess the impact of external regulations on the system – such as those from the judiciary - there would be need for common references to be provided by an international *code of institutional conduct*.

At personal level, as malpractice rarely provokes guilt, individuals should uphold the sense of collective obligation that derives from the repute of the academic community they belong to. What they need is a climate based on transparency, confidentiality and on public debates about the consequences of malpractice and required personal change. The rules of openness that individual academics – teachers, staff or students - refer to should be outlined in a general *code of deontology* proposing institutional procedures to foster freedom of thought, and indicating the academics' *personal duties* when they enter teaching, research and other intellectual services to society.

For the moment, since social enforcement from outside and guild-like moral urgency from inside rarely cover the grey zone in-between, where malpractice can flourish, a broad consensus on potential dangers has developed among the universities and their stakeholders – a soft consensus, however, on 'not-so-hot issues' that proposes a kind of alibi for not facing the uncomfortable reality that could endanger the new functions of higher education in an emerging society of knowledge.

That is why, the *Collegium* of the Observatory and the Board of ESIB reiterate their concern in the risks of academic malpractice and calls for new transparency to ensure the universities' future.

For further reflections on the topic, see the essay below.

Academic Malpractice:
Threats and Temptations

The university *raison-d'être* can be envisaged from various angles, from a *systemic* point of view that analyses the institution's social and political grounding, from a *structural* perspective looking for the cultural functions – that determine various technical answers at system's level – or from an awareness of the *myth* – often implicit – that gives meaning to the enterprise. The following pages approach universities from these different angles in order to determine when and how to speak of academic malpractices, i.e., the misconduct that could jeopardise the value and values of the institution – at the risk of ruining its role and prestige in society.

The first part of this essay stresses the founding myths of the university: it deals with the *mission* of universities in society; the second one covers the institution's implicit structures: it deals with the *strategies* universities develop to exist in society; the last dwells on the system's capacity – or incapacity – to cope with the daily difficulties of institutional governance in a varied society: it surveys the most usual forms of

academic misconduct – as surveyed by student organi-
sations in Europe – and calls for management *policies*
that can help uncover, control and eradicate misbehav-
iour in higher education.

A. *FUNDAMENTAL UNIVERSITY VALUES*
   by Andris Barblan

1. *Knowledge in society: a theoretical framework*

The medieval university, after a preparatory education
in the Arts[1], trained for the jobs structuring the society
of the day (the professions covering physical wellbeing
– *medicine*, social welfare – *law*, and spiritual develop-
ment – *theology*) in the so-called major faculties. At the
Renaissance, the service of mankind moved to 'human-
ism', a way to *criticise inherited knowledge* by question-
ing the cosmological worldviews inherited from a long
tradition. From Enlightenment onwards, universities
developed a new sense of equity that expressed in the
efforts made to educate for *democracy*. Later, when the
industrial revolution asked for the formation to those
jobs re-engineering the world through *technological
change*, the university *reshaped its assets* – training (its
medieval focus) and rearranging knowledge (its Ren-
aissance core) – to meet the new requirements of the
19th century. Thus it emphasised intellectual disciplines

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[1] The seven liberal arts were grouped into two areas: the *trivium*
helped master individual expression through grammar, logic and
rhetoric; the *quadrivium* helped master a sense of time and space
through geometry, arithmetic, astronomy and music. Once the
student knew how to relate to others through ordered speech
and how to position him/herself in the cosmos, he/she could
move to the major faculties of theology, law and medicine to
learn a profession – i.e., conquer a place in society.

– that multiplied over the years – and set aside its earlier stress on organising around people, the students (Bologna model) or the professors (Paris model). This organic adaptation goes on today, now that the 'knowledge society' becomes the horizon for new technical developments supporting social growth.

Thus, thanks to IT, old services that had the personal touch of individual crafts[2] are now being industrialised – and pre-chewed for a wide public rather than for specific individuals. The university is encouraged to become a factory for the training of service providers while, at the same time, there is a demand for tailor made courses to answer the needs for *expert knowledge* – also a prerogative of academic teaching. However, usually unable to cover all fields of knowledge and know how, that are characterised by a growing tension between specialisation processes and general training, the university is obliged at present to define the *niches of activities* it will excel in – by accounting both for external requirements and for the internal balance of its specialties. Such niches used to be determined by the Church in the medieval university, or by the State – following the humanistic transformation of the Renaissance or the democratic egalitarianism of the French Revolution. Tomorrow, even if the State retains a role as a stakeholder, authority and choice could be exercised by other partners – alone or as a result of collective bargaining: if the universities are not clear about their aims and purpose, such negotiations could lead to compromises on quality or activities in order to retain external funds. In other terms, how can the university use its assets, past and present, to meet best – on its own

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[2] The master/ prentice relationship first inherited from the universities built on the model of medieval guilds.

terms – new external demands expressed by new social partners (trade and industry, media, local and regional authorities not to speak of the associative world) while also taking account of the tyranny of trends it cannot control, such as the *demographic decline* in Europe and the concomitant *ageing of society*?

This supposes reflecting

- on the re-organisation of curricula (combining professions and science),
- on the re-definition of quality (adapting the humboldtian heritage to purpose oriented activities),
- on the re-shaping of education and research (cross-fertilising personal and social responsibility for the management of a changing knowledge basis supposed to offer *meaning* to development).

Income generation, in this context, should reflect the difficulties and opportunities met by higher education and its institutions – that are required at present to develop accountable behaviour not as enterprises but *like* enterprises; if the universities are to control the means to redefined ends – which means *integrity* –, they need the support of *mediating structures* (such as buffer bodies) for the allocation of funds between various areas of academic work; simultaneously they need to *sustain general processes of change* in order to keep a balance of quality in all areas, a quality to be assessed by *international accreditation* procedures that are to expose through modalities of transparency the relative value of academic work processes. In terms of management, tomorrow's universities – if they are to retain their specificity as 'horizontal' organisations – will also need to invent new *participation modalitie*s; for instance, to transform the power structures that now resist to change, they will have to offer a real stake in their institutional future to their partners in society – an input to be combined with academia's responsi-

bilities for their own work and abilities. These many calls for change imply for university structures widening cracks and faults that could induce inappropriate behaviour and potential misconduct.

Over time, universities have evolved in their role and tried to explain their part in society by re-combining in various ways four basic functions, i.e., man's search for *truth*, for *order*, for *meaning* and for *welfare*. Further below, a quadrant of the main narratives expressing the universities' *raisons d'être* proposes a possible grid for understanding their varied identity. It is structured on two lines of polarisation, one going from a focus on reality to an interest in the imaginary, the other from an attitude of *dissent* (the critical attitude academics are so proud of) to a comportment of *consent* (the university seen as a tool of social reproduction).

Each corner[3] represents one specific aspect universities can focus on, and some do specialise in one such area only, indeed, putting the other functions on 'the back burner'; most of them, however, combine these features into the weaving of their different cultures and organisations; efforts engaged to make these four functions compatible then often induce a search for a unity of purpose – *ad unum vertere* – a motto drawn from the term *universitas* itself and suggested for academic action by Vaclav Havel, when welcoming the Association of European Universities in Olomouc in 1996.

This call for unity is more than intellectual windowdressing, it is an 'ardent obligation' for all academic institutions since all university functions can also be

[3] Adapted from P.H. Spies, in *The University in Transformation*, ed. Sohail Inayatullah & Jennifer Gidley, Bergen & Garvey, Westport, Connecticut, 2000.

cared for by other institutions *outside* of academia: professional training by specialised schools giving their own degrees; scholarship by academies of arts and sciences; research by large industrial or governmental organisations; or innovation and development by technical laboratories in commercial companies. The entrusting of all these roles to one institution, the *universitas*, should not be taken for granted. In fact, the university fundamental *raison d'être* is this combining of interests. What is then the organisational axis that brings out the highest synergies between these fields of activities, that turns their combination into an evidence, that justifies the specificity of the university as such? Does institutional unity induce or reflect the unity of knowledge, is the university an answer to man's deep desire for collective references that make sense of the whole cosmos he is part of? The model below tries to disassemble academic functions – whose confusion often leads to malpractice – to allow for a better understanding of the university as a crucible of and for society.

IMAGINATION

SEARCH FOR **TRUTH**	SEARCH FOR **ORDER AND FREEDOM,**
i.e., exploring the *unknown*	i.e., moulding the *person's responsibilities*
HUMBOLDT	*NEWMAN*
Science & Research	*Education & Training*

DISSENT -------- *HORIZONTAL AXIS OF SOCIAL POSITIONING* -------- **CONSENT**
Critical distance   Social reproduction

SEARCH FOR **MEANING**	SEARCH FOR **WELFARE**
i.e., re-organising *knowledge*	i.e., meeting *society's requests*
AQUINAS	*NAPOLEON*
Ethics & Aesthetics	*Innovation & Development*

REALITY

Any type of university develops its own *value system* that helps fulfil its chosen functions; thus, it could be confusing to consider that a 'one-size for all' frame of reference represents the best approach to assess the probity and integrity of an institution. On the right hand side of the diagram, universities focus more on their integration in the social context, on their contribution to the development of the community. Basically, they accept the society they work in and help sustain it by shaping the right products and right citizens able to support collective development. Technical expertise, social relevance and community understanding are the keys to institutional behaviour. On the left hand side, universities hope to reshape the conditions and constraints of individual and group organisation; to do so, academia has to take distance from social and intellectual routines, thus inventing new solutions to the given problems they are analysing in a critical way. Imagination, doubt and the courage of dissent become then the keys to institutional behaviour. This represents a wide spectrum of possible attitudes – that can also be combined with various approaches in terms of subjectivity and objectivity or with various levels of understanding, from the given of reality to the unexpected powers of imagination. Assessing the weight of each of these many elements can help determine the loopholes where academic malpractice could thrive best in specific institutions.

To be more precise, the university that focuses on community *welfare* either prepares its students for a constructive integration in the labour market through the acquisition of professional know how or, acting as a tool of progress, develops its research and innovation potential to reinforce the economic strength of the region: some institutions set up technology parks, others incubators and research centres that aim at creating the highest added commercial value allowing people and

products to compete nationally and internationally. Such a focus requires the institution to *scan* and *prioritise* social needs before *negotiating* with economic and political partners how to *shape* the resources appropriate to collective improvement. The matter is to meet various social demands as quickly and as well as possible, i.e. in an effective and economical way: this *utilitarian* relevance of academia often justifies the university investments made by governments and stakeholders who are interested in structuring the material well being of their community – very much the scope of what Napoleon asked from the Imperial university system he had organised on military centralistic lines. Then, how is the institution best to serve the community – as a partner in social development or as the slave of a society which, through money, dictates programmes and projects that do not require critical distance from the university (thus creating a 'loophole' for potential misbehaviour)?

When focused on contributing to the social *order*, the university helps society to function as a 'community of belonging', i.e., a group that shares references that make knowledge and know-how appropriate. The matter is to render compatible individual forms of language and behaviour in order to favour personal integration into the community. In his *Idea of a University*, published in 1854, Newman wished the academic institution to train *gentlemen*, i.e., responsible citizens whose intellectual and emotional background would contribute to the smooth evolution of society as a whole. Such a focus requires the institution to *situate* those skills and areas of knowledge that are pertinent to civic integration, to *adopt* them for teaching and to *adapt* them to present social needs. In this role, higher education decides of people's 'qualifications', a way to define the person's ability to join in community integration: this enormous power – a rarely questioned

privilege – translates into diplomas and degrees that
become passports to well-considered and/or well-paid
positions set on different rungs of the social ladder.
University prestige is still strong enough to margin-
alise a growing competition from other institutions
that offer training in enterprises or various forms of
recurrent education outside of academia, and that
try to have their activities recognised as equivalent to
university education. That explains why parents and
students, sometimes at all costs, are in search of aca-
demic degrees that open the doors to long term social
positioning: hence the many 'diploma mills' that, for
money, are willing to offer titles that do not corre-
spond to any training. Such malpractices show that
the university remains the accepted centre of *meta-
morphosis* where the individual puts on citizens' cloth-
ing by getting familiar with the norms of its group,
the academic degree acknowledging the individual's
transformation into a 'persona'[4], i.e., a human being
with a position where to be heard from by the whole
community. This function leads mainly to social repro-
duction and ensures the continuity of the group; if
contested, protest usually comes from individuals: this
explains why personal dissent often oscillates toward
consent when academia is in search of collective rec-
ognition and approval. Here too, one could ask how
the institution can best serve the community – being a
conscious partner in the development of society, aware
of the political value of its *credentials* – rather than
become the parasite of a community that allows the
university's survival on condition it hands down titles

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[4] The term 'person' comes from the Latin *per-sona*, i.e., the mask
that both identified the actor's role in a play, and amplified the
sound of the voice *(sonare)* to make it heard by the audience.

and honours with no question asked – thus, indeed, creating a 'loophole' for potential misbehaviour.

On the dissent side of the quadrangular model, the search for *meaning* is one of the old polarities inherited from the early past of the European university. Gathering the data making society's accepted intellectual references, i.e., constituting the group's prevailing world view, universities may re-arrange the information according to new and different criteria – be they intellectual, ethical or aesthetic. This is what the institution did at its beginning when, in the 13th century, Thomas of Aquinas recomposed the treasure of knowledge available in his day; thus was born the *Summa*, that offered new linkages between the many pieces of data inherited from the Antiquity, giving them new meanings and adapting to the time the totality of the knowledge then available. Diderot's *Encyclopédie* achieved similar results for the 18th century. Such efforts in understanding also open fields for new reflections. From these syntheses of the known were born the disciplinary divisions that still channel university work. However, when the reason for the aggregation of such elements of knowledge gets lost relatively to the sum of the 'known', disciplines enter fragmentation rather than cohesion processes, often inducing a fear of change that annihilates the global sense or direction of scientific evidence. This can lead to academic self-indulgence – one of the pre-conditions for possible malpractice. The re-organisation of knowledge as a whole, however, is a key social function – although not much more referred to today than is the validation of qualifications. The matter is to recompose a language that makes sense of human reflections, that offers order, vocabulary and syntax to given data, thus enriching society's comprehension of the many areas of knowledge as compatible parts of a complex whole; academia's nurturing of 'meaning' then consists in *mas-*
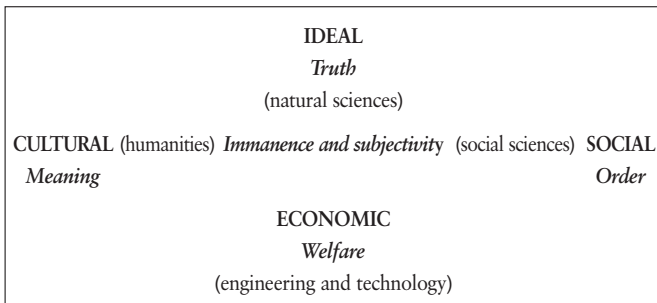
tering information, to help *re-organise* the known world by questioning earlier presuppositions, thus pointing to possible *reforms* in society. The present marginalisation of this function of higher education is probably due to the subjectivity implied in the ethical and aesthetic process leading to 'meaning', especially at a time when objectivity remains the dominating discourse in science. When the institution refrains from the subjectivity of meaning – refusing to meet the fundamental desire of mankind to account for its place and role in the cosmos – one could then fear that the university, rather than nurturing the sense and purpose of man's existence, simply becomes a kind of parrot repeating dried up values in traditional terms – a way, in view of potential misbehaviour, to open loopholes of distortion in the intellectual discourse on the 'known'.

The university focused on exploring the unknown – today not so much as a facet of the divine but as the natural order of which mankind is also part –, goes back to the 19th century when the old humanist search for *truth* was revisited by Humboldt and Schleiermacher for the setting up in 1810 of a new university in Berlin. Their aim was not only to roll back the frontiers of ignorance but also to question radically man's existing understanding of the universe. The stages of that effort corresponded to the traditional reasoning of science, i.e., to *doubt*, to *imagine* and to *assimilate*, a rather risky process since, by definition, the unknown is opened to all types of conjectures, a process that could lead to error and failure. That is where academic freedom is most necessary since true independence of the mind implies possible mistakes – thus requiring that all reflection paths remain open for as long as possible. The strength of imagination, in this context, is to allow for vulnerability and uncertainty, hence the ambivalent feelings of the public and the politicians

towards fundamental research whose practical use is rarely visible even when it becomes the façade justifying public investment. In this function, the university should feel especially responsible for the risks taken and should assume both the happy and unhappy consequences of the investigation organised in its walls. It is where creativity calls for *renewal* by inducing the emergence of original ideas and understandings. Here, the difficulty lies in persuading the group to invest in an 'unknown' that, by definition, leaves all options opened; by closing the future to 'sell' the community its own expectations, which is a form of prostitution, is not the university setting the stage for inappropriate academic behaviour, offering yet another 'loophole' for possible misconduct?

2. How does it work?

If the model above brings together the horizontal dimension between *dissent* and *consent* with the vertical axis extending from reality to imagination, it also offers diagonal linkages of some interest, in terms of possible malpractices especially. To make this clear, one can turn the model on its side, the diagonals becoming the new axes of the system.

	IDEAL	
	Truth	
	(natural sciences)	
CULTURAL (humanities) *Immanence and subjectivity* (social sciences) **SOCIAL**		
Meaning		*Order*
	ECONOMIC	
	Welfare	
	(engineering and technology)	

In our model, objectivity – the use of logic – characterises the search for truth and that for welfare. One could also speak of an 'objectification' process when moving from thought to action. That is why the prevailing academic discourse considers these two functions as essentially scientific – hence especially university worth. Logic, indeed, seems to develop according to rules independent from human choices – thus it keeps the observer independent from his/her observations. In a positivist mould, logic bears objectivity and cannot be tampered with – in terms of concussion, social influence or personal expectations. In theory, at least, it is incorruptible – hence the argumentative strength of hard sciences and technology. The other diagonal axis – bringing together meaning and order – requires judgement, be it individual or collective. There is no absolute value in social order and qualifications, no special transcendence to refer to when giving meaning to the sum of knowledge, that is culture: indeed these functions depend on choices, i.e., on subjectivity – and liberty. The perceiver is at the centre of the process not the perceived. Then, in terms of expression, logic is no longer at the core of intelligence (in Latin, the capacity to bind together) but rhetoric, the ability to convince others of the validity of one's choices: this calls for social recognition; and the higher is such a recognition, the more impact the institution can have on society. That is why, when the university is well accepted as a sense setter or a centre for social metamorphosis, its members have more leeway to use personal influence in order to obtain undue power on the other – who becomes an object to be pressed rather than a subject to be respected as an *alter ego* in the adventure of 'meaning'. Yet another 'loophole' for possible misbehaviour! In any case, things really go wrong when one confuses the two diagonal axes, using objectivity in a subjective

environment or vice-versa, dressing up objectivity with
subjective presumptions. Such a medley of approaches
and methods – often unconscious – encourages double
understandings that lead to *corrupt thinking* and *unfair
practices* in the four corners of the model. Then Faus-
tian *hybris* can lead to a reification of man's world that
imposes dogmatism and authoritarianism to ensure
control of the prevailing system of understanding.

Out of these four functions, the *search for truth*
structures the founding myth which academics and
society still refer to most fondly, although many hesi-
tate to mention it in such terms as the phrase smacks
of religious values – subjective in terms of scientific
rationality, thus to be denied; this reminds of the intel-
lectual arrogance that 'Science' has derived from the
Enlightenment, a period when 'Reason' was given the
prime place in the development of knowledge. Ration-
al logic, indeed, allows to explore the unknown and to
discard unsatisfactory understandings of reality, thus
inciting incremental and linear progress from a dim
past to a bright future (a manifestation of power that
could also culminate in some kind of Dr Faust trying
to by-pass the efforts of a real search – certainly a form
of misbehaviour). Science thus consists of experiments
purporting to discover general explanations – i.e.,
approximates of truth since reality is usually specific;
such a 'trial and error' approach has side benefits like
the material growth of society. As a result, the usual
justification of university existence refers to moving
further the frontier of knowledge, as if this implied
contributing to the welfare of mankind. Therefore,
reducing truth to innovation – and, more recently,
innovation to development – enforces a utilitarian
behaviour on universities that are expected to help
reproduce society rather than question its existence
and long-term development. Once watered down, the

search for truth (a process that should be driven in fact by the quality of man's presence in the world) gives place to progress conceived as the quest for higher efficiency and greater relevance to the needs of a given social organisation. Quantity then takes over as the reference for success. And this influences the culture of higher education (i.e., the *structures* that guide academic behaviour), a culture that tends to precipitate into a *system* of institutions. Improvement (made of various increments) replaces transformation (or revolution) as a tool for the renewal of society.

Man has always been tempted by shortcuts – one of them being the reductive move from truth to progress or, today, from progress to simple relevance. The linear aims of progress go back to ancient Greece: Prometheus steals the fire from the gods; Alexander cuts the Gordian knot; both act as if there is no time to waste on long procedures of acquisition: immediate results – with no hardship incurred – seem more desirable than sweat and efforts in order to realise dreams of power or of leisure. But an easy access to paradise (even when scaled down to a man-modelled society) turns to be a mirage; breaking the rules does lead to hell – as the Greek hero must have thought when bound naked to a Caucasus rock, his liver being torn away by the vulture of revenge, day by day, year after year. As if the myth was saying that time cannot be by-passed, that life is a slow construction and that risks run high when means are confused with ends.

Myths are rarely innocent: they reflect mundane social constraints as much as they do deep psychological realities. Indeed, man is constantly looking for the *path of least resistance* on the way to comfort. If necessary, to help 'progress' to come, the path of the future can also be smoothed to ensure that resistance is cut down to the minimum! As if energy conservation were

the main driver of personal and social organisation –
maybe a matter of Promethean fire if not of entropy.

Problems arise when long-term collective welfare
is being sacrificed to short-term personal fortunes
or when individual wellbeing is being repressed for
the sake of group happiness. Then the use of power
becomes essential for winners to protect their energy
assets. When this urge for accumulation is hidden
from neighbours or becomes a tool to warp the deeds
of others in function of one's own desires, social con-
sensus breaks down – *rumpere* in Latin, a verb that
gave dis-*ruption* and cor-*ruption*, words reflecting the
group dissociation.

Going against the needs of the other(s) evokes
moral judgement, i.e., an analysis of the capacity of
the group (and the persons within it) to survive the
monopolisation of energy by the few. Excess of self-
interest in using the path of least resistance always
questions collective organisation. Thus communities
tend to protect themselves from disrupting behaviour
(the so-called 'social shortcuts') – either by uncovering,
controlling or by eradicating unfair practices – unfair
because they focus on the gains of some at the expense
of the welfare for all.

3. *How are fundamental values made explicit: from theory to practice*

The paragraph below is composed of quotes from the
various sections of the charter signed in 1988 at the
900th anniversary of the University of Bologna – the
higher education institution considered to be the oldest
university in Europe. As continuity and renewal require
shared principles and common values to measure up
to, this document, grounded in a common myth and
now endorsed by more than 500 universities around

the world, proposes a global set of references that the said universities have decided to recognise as fundamental in their service to mankind – as full institutions of education and innovation. This excerpt emphasises the institutional boundaries of university integrity, the main object of this essay.

> *Since the future of mankind depends largely on cultural, scientific and technical development, universities – as centre of culture, knowledge and research – must serve society as a whole while respecting the great harmonies of their natural environment and of life itself. To meet such needs, university research and teaching must be morally and intellectually independent of all political authority and economic power. Rejecting intolerance and always open to dialogue, academic institutions require the instruments appropriate to realise the freedom needed by all members of the university community, safeguarding in particular students' liberties.*

The values and principles of the *Magna Charta Universitatum* shape action by giving substance to the daily policies that express institutional priorities for academic progress around the world. Thus, the validity of grand principles translates into those rules that guide the everyday behaviour of staff and students – academic freedom and institutional autonomy in particular. That is why the *Magna Charta Observatory* has now engaged in monitoring the use of such common values as manifested in the relations making sense of the university, not only as a community but also as an actor of change in its environment.

- *Autonomy and academic freedom: obligations or privileges*

Going back to the etymology of the term itself, i.e., the *capacity to steer oneself*, autonomy equals the abil-

ity to choose one's own path to achievement. This is
certainly *not isolation* but rather a way to meet those
challenges, internal and external, which shape the evo-
lution, history and development of the university. The
environment proposes and imposes choices for action,
as does the academic milieu itself. At various levels of
organisation – and without judging the decision-mak-
ing processes that structure such interactions, a matter
to be discussed later –, the need for engagement leads
to the continued selection of those small and large
priorities that shape the substance and form of univer-
sity activities, making each institution specific, that is
accountable (inside and outside) for the development
of the many internal and external ties that bind mem-
bers and stakeholders.

Autonomy is thus linked to the university's sur-
rounding environment, for it is in the relationships
woven with others that meaning is given to the identity
of a specific university – or of a group of them. Thus,
it is more interesting to look at autonomy as the result
of social interactions than as a self-standing privilege:
autonomy is no wall behind which to hide, rather it is
a compulsion to get in touch with *partners in society*,
be they the State or other players like the regional and
local governments, or industry and the employers of
future academic graduates.

In other words, autonomy should be pro-active
rather than reactive – an essential difference since a
strong capacity to *propose* turns the university into
a *responsible* institution – a partner capable to say
'no' to specific demands when they do not fit its long
term purposes or those of society as it understands
them. Autonomy, however, when perceived as func-
tional mainly, tends to be restricted to the university's
capacity to meet the requests of society – in terms of
education, lifelong learning, research and development

– i.e., it can simply be the elbow margin needed for the efficient use of given resources, thus making of the university more of a *responsive* institution than a responsible one.

Academic freedom is the personal right of teachers, researchers and students to express themselves in a *safe environment to test, develop and define* their exploration of the unknown or their reorganisation of knowledge in order to reach and teach new understandings of man, nature and society. There too, the capacity to say 'no' to proposals and ideas of little relevance for the long-term development of one's discipline should be the touchstone of responsible academic behaviour – even if proposed new meanings also call for some recognition from the intellectual partners one feels responsible to. When recognition simply requires obedience to outside orders, responsiveness – rather than responsibility – does encourage servility and becomes the fertile ground of unfair practices.

Disruption has been referred to as the result of institutional misbehaviour. Indeed, autonomy and academic freedom should converge into an institutional identity recognised by the members and partners of the university – if it is to be a full social partner contributing to the development of the community. This implies a common will based on some kind of consensus built among the institution's members (who make up the university) or between the university as such *and* society. The strength of shared purposes has certainly an influence on the potential for good behaviour – as it can signpost the *path of least resistance* for the institution as a whole rather than allow university identity to break into varied power units (at faculty or institute level) for which shortcuts to immediate results could easily become part of a struggle for academic survival.

- *Institutional visibility and academic credibility*

Autonomy is built on the ability of the institution to fulfil a certain number of functions, usually spelt out as teaching, research and service to society rather then the four outlined earlier. The better the needs of these three areas of academic commitment are met, the more visible and credible is the university. These three fields can be summed up in a more creative way by insisting on the actions they presuppose in the emerging society of knowledge: universities are supposed to *assimilate* knowledge, to *activate* it and to *innovate*.

Assimilate: assimilate the current knowledge, skills and competences helps *to catch up* with what is being done by the most sophisticated institutions, as far as basic knowledge is concerned; in social terms, assimilation corresponds to the building of an awareness of the present by the community; individually, in terms of academic degrees, this stage of intellectual expression corresponds to the BA.

Activate: activate this set of knowledge into skills means learning how to master them; this represents a kind of drill that turns such skills into professional competences; in social terms, such acquiring of know-how allows for the development of the community and represents the training function of higher education; in terms of degrees, this stage of preparation to contribute to community development corresponds to the MA.

Innovate: innovate is to leave the known to explore the unknown – or to re-arrange the known and its elements in such a way as to obtain new perspectives on reality. This can be equated to research and scholarship – in the wide sense of these two words. That is where lies the *critical role* of the university, that supposes tak-

ing distance from the obvious and proposing original perspectives on the reality, a process usually recognised by the PhD.

At that level, autonomy takes on its strongest meaning, the *capacity to say NO*, 'no' to the accepted explanations, to the myths and comfortable stories of the day – comfortable because they 'comfort' the views and prejudices on which our social identity has been built. At its best, autonomy becomes the guarantor of heterodoxy, i.e., of the capacity to be different. This is the path of *trial and error* (that founds the experimental development of knowledge), i.e., the possibility of making wrong priorities as far as social growth and reproduction is concerned. At that level, the university serves the long term and hidden good of the community of men – who, from time to time, cannot avoid the totally ungraspable, the surge of the unknown, like the tsunami of 26 December 2004. In that context, if the university makes responsible choices – i.e., choices it can respond for – *autonomy could turn into authority*, the authority that makes sense of new social paths: and that is the highest form of social integration for any institution.

- *Individual and collective values*

Assimilation and activation ask for *efficiency* and *adequacy* to the present realities of the community. The better institutions thus show *adaptability* and *flexibility* towards the needs of the day: their teaching must be *relevant* to the growth of the individual into a full actor of the community (able to express his or her ideas, able to communicate his or her emotions and able to reach a consensus with his or her co-workers) and must also be *appropriate* to the growth the community, as a collective that builds

on personal competencies and individual skills to
achieve *prosperity* and *security*, the two fundamental
objectives of any organised group – which can also be
the emerging society of knowledge. The functions of
assimilation and activation thus require responsive-
ness from the academic institution, that is a capac-
ity to foresee and answer the needs of its partners
– political, economic or cultural. The universities are
then perceived as servants of the present reality and as
supporters of its improvement. That is what justifies
investment in their capacity to meet the requirements
for development of their community, local, regional
or international.

Innovation implies a different set of values, some-
time contradictory, as it does not consist in reforming
the present – although many consider the reformula-
tion and adaptation of existing know how and prod-
ucts as innovative actions in their own right – but
in examining the ways to transform it, to move to
another level of complexity, to an integration of the
unexpected that forces a reorganisation of present
worldviews. It means the *courage* to be different, the
ability to *see things anew*, a sense of *long-term vision*
and an *ability to imagine* rather than invent. Thus,
innovation requires *integrity* from the individual sci-
entist and teacher as well as *probity* from the univer-
sity, the institution that offers a frame to the explora-
tion of the unknown.

• *The temptations of extra rewards and institutional
  shortcuts*

The double-sided reality of the intellectual institu-
tion that is called the university – both a training
ground for the present and a platform for imagining
the future – is usually confused, inside and outside

the institution. The *service function* – that implies
funds and a capacity to adapt and adopt modified
behaviour in order to meet precise requirements as
best as possible – is a role of *social consent* espous-
ing the perceived needs of the community. Its results
can be measured – and rewarded. In contrast, the
exploration role – that also implies means, and often
important ones – is based on distance taken from
the present and induces *social dissent*, a difference
that the community accepts as an investment into
unknown but hopefully desirable futures. Exploring
the unknown is risky. Often the improvement func-
tion (implicit in the assimilation and activation of
knowledge) is confused with the innovation role of
the university (that leads to a full reorganisation of
the known): thus, innovation becomes an aspect of
improvement or, the other way around, improvement
presents itself as innovation – which, usually, does
imply high financial support since innovation is sup-
posed to change the understanding of reality in the
long term, and thus allow for unexpected new activi-
ties and new products. Hence the leading part played
in the search for the 'new' by costly disciplines like
theoretical physics in earlier days, or biology, in more
recent times.

Science, in terms of improvement, can be bought;
as innovation, it must be bet upon. In other terms,
research can be a routine in incremental change as
well as a venture in creativity. When the frontiers
between these two aspects of knowledge are being
blurred, there is a possibility for temptation, i.e., the
use of one side of the reality to mask the other. The
prestige of creativity can hide the routines of improve-
ment but society accepts dissent up to a certain point
only; thus, risk becomes a fraud if the promise of the
future is not being met after a while. Improvement as

such can hide its own temptations too, as effective-
ness and efficiency are the two driving forces of social
conformity. When a degree becomes a key to a post
rather than a proof of ability to compete for a job,
the risk of shortcuts is growing and the demand for
a position can encourage the supply at a discount of
social recognition: credentialing, as explained earlier,
represents also a key role of the university as far as
the structuring of society is concerned. Individual
academics in institutions then play on their place-
ment in the system to obtain rewards for themselves
rather than for the benefit of the collective, i.e., the
university, at the risk of diluting the prestige of the
curriculum or research they are part of. Little com-
promises – that, undiscovered, can grow to the limits
of social acceptance –, mean unethical behaviours that
bring suspicion to the institution as a whole and make
a farce of its autonomy. That is why true autonomy
is the result of constant interaction between the full
university and its real partners. That interplay is
reflected in the institution's accountability, the capac-
ity to make sense of its various functions and duties,
to shape its own development.

- *The extra difficulties of a mass institution*

Since World War II, the institution of higher educa-
tion has been asked to cater for a growing propor-
tion of society, and there has been a quantum leap in
the development of the university as an organisation
when it was required to deal with 50 to 60% of an
age cohort – not to speak of the adult learners coming
for upgrading courses or second chance education.
'Universal' higher education can no longer dwell on
the values of an elite institution that was supposed
to train the cadres of a given community. Because of

members, an academic degree today is less and less of a key to a position of influence and – considering their traditional self-understanding of what social mobility could be – there is a risk of growing disappointment among the students and the staff who make up the university community. At the same time, the society of knowledge requires a much wider dissemination and suffusion of knowledge than the traditional industrial society. And this calls for a different recognition of personal abilities and of the capacity to influence social development. But there is no consensus yet on the new role of universities in tomorrow's knowledge society. This leads to institutions answering many multifaceted demands – with little understanding of their commonality of purpose and shared identity. Different images of the university as an institution tend to co-exist on the same campus, depending on the department or, even, the professor. Coercion is of no real use to force the convergence and compatibility of varied activities, even if it seems an easy solution. Authoritarian methods of management, indeed, too often lead to hiding and façade presentations, thus opening the way to unethical survival behaviour in the rank and file. Which is another way of diluting the prestige and social authority of the institution. The risk of mismanagement – which is a ground for potential corruption practices – has been greatly increased by the development of universities as massive institutions of learning, many of them feeling misunderstood by outside partners and confused – as far as their own members' understanding of common goals is concerned. Hence it is important to re-think the specificity of university identity in the society of knowledge since, there too, a need exists to control the temptations of individual shortcuts to power, money and influence.

**B. INSTITUTIONAL GROUNDS FOR CORRUPTION AND MIS-
     DEMEANOUR**
     by Michael Daxner

1. Systems: Science, Academia, Professions

It is not too difficult to identify a variety of corrupt
and indecent behaviour and structures in the university.
Academia, nevertheless, remains a precinct of little rep-
rehensibility like some other institutions, the judiciary,
for instance, or, in a few countries, the military, as if
the institution were stronger than its fallible members.
Such a presumption of innocence can be accounted for
by apparent logic: indeed, those who work on truth and
cognition cannot be but morally superior to those who
deal with commodities, objects and down-to-earth real-
ity! Preserving this image is in the clear interest of the
universities; they thus consider it normal to avoid pos-
sible investigations of their conduct by protecting behind
walls of explanations – reinforced by a network of exter-
nal alliances; in this context, they develop a type of *habi-
tus* (i.e., a set of uses and customs) that very much recalls
the guild structure they originated from before becoming
pillars of civil society, another impregnable position.

The following pages should thus expose the hid-
den agenda of institutions preserving scholarly inno-
cence while hiding misdemeanour and fraud; this is
no opportunity to fall into finger-pointing by taking
over widely shared opinions on the supposed facts that
*everybody can be tempted by undeserved profits or easy
promotion*, or that *the elite is no better than ordinary
men*, or that *government equals corruption* if *privati-
sation induces corruption*, etc. Behind the banality of
such prejudices, there is a matter of importance how-
ever: intellectual production and higher education are
grounded in strategies of social representation. That is

why there is no need to go into statistical figures point-
ing to scattered numbers of potential rule breakers in
any institution, the university included, according to
some kind of Gaussian distribution. Rather, the institu-
tion as a system should be here discussed.

Not a system deductible from theoretical considera-
tions – the approach used above by Andris Barblan – but
a construction clearly delineated from its environment,
like in system theory. Such constructions are many in
the field of higher education and they all interweave to
form a constellation of systems. They depend on, and
conflict with each other; this means that they thrive
on *tensions*. As a result, policies try to reconcile the
systems at hand in order to keep functional the institu-
tion incorporating them. In other terms, institutional
politics act on the distribution of internal and external
powers whose balance, in universities, is maintained
for particularly long times since they are *slow systems*
as well as *loosely coupled systems*[5]. These interweaving
systems can be classified into three categories, scientific,
academic, and vocational (or professional). The inte-
gration of the science system into the academic institu-
tion is the most recent considering that, in earlier days,
universities expanded mainly on the congruence of the
academic and professional systems brought together
to meet the needs of a developing intellectual market.
That market is certainly older than these three systems
but, in the following pages, that earlier past is mainly
considered as a shaping factor of the environment
surrounding the institution. As a consequence, when
speaking of the need to operate *beyond the market*, I
refer to the intellectuals' mission to develop mankind's
culture, which – translated at university level – refers

[5] Cf. Daxner, Weick (1976).

to the service of *truth* and *meaning* through discovery and investigation, or points to the capacity to *criticise the ruling social discourse.* Thus, referring to today's knowledge society, the market aspect and the sphere of interest encompassing it are all at stake.

Each of the three systems has a specific position in relation to power and its dependency on external forces. A few examples may clarify this point. Within the system of *science*, reputation is based on a complex sub-system of self- and cross-referential publications, citations and recognition. Reputation is a condition for attracting more contracts or becoming eligible for promotion and awards. Within the *academic* system, the reputation based on research is a major element for being short-listed in appointment procedures. But the criteria for joining a faculty are quite different from those prevailing in research institutions. This is a typical interface, where persons (and their peers) must manoeu-vre between the systems. To make things more complex, the *professional system* of advanced qualification may also interfere in academic appointment processes as it calls for high teaching and training proficiency from the applicant; thus creating another conflicting interface between systems. As a consequence, the behaviour of all players in the procedure will be highly influenced by their priority reference and loyalty to one of the three systems. The resulting attitudes may be called opportun-ism. But it makes a difference, whether allegiance goes to the culture of a discipline (which means research recognition) or to the institution that needs to fit a new person into existing faculty structures. Whatever terms we may use for describing fraud, cheating, misconduct, corruption, nepotism, plagiarism or pretence, they all have *one* source, the blurred delineation between these three systems – if not more. The play of these inter-faces can look like parts of a Russian *matrioshka* model

whose overlapping relations induce specific behaviour, the smallest unit representing an individual conscience or an element asked to adapt to the many layers of the correlated systems and their global environment.

In brief, system interface is more essential to study than the rules differentiating the various systems in place. That is why a systematic mapping of the consequences of transgression and misconduct in balancing one system with another – or with the others – is required. In that exercise, moral judgement, because of its nature, should be methodically separated from the analysis of what is actually happening. This seems rather paradoxical but, in many cases, unethical conduct within the rules of one system could prove a virtue within another; so, to judge, there is a need to see the effects of ambivalent behaviour and structures. This, however, at the end of the day, will not relieve one single individual from his or her moral choice and decisions – all the more so as there is no given conformity. Individually, this calls for true *responsibility*; collectively it implies *liability*. From the latter, while building on shared references, some rules for higher education policy, for codes and conventions may be derived to signpost possible corrections of institutional courses of action. That is the key concern of the Magna Charta Observatory in this field.

2. Markets

Universities are not different from other marketplaces and markets; indeed markets are part of academic environment – partially if not entirely. All the amorality usually implied in the search of conditions for profitable exchange in order to survive best is also experienced by academic institutions wishing not to suffer in their daily existence. Then, the 'ideal' model of stakeholder/shareholder governance means competition and implies the

quest for quality, excellence or valorisation, considered to be values unto themselves. The consequences are many: a 'market culture' requires the development of advertising, marketing, public relations, for instance, and, as a consequence, it needs for lay usage a special strategy to *translate* knowledge and scholarly/scientific competence. Such an effort involves possible temptations like trying to appear much more competent and apt to problem-solving than one really is; one can also adopt ideas from others with poor recognition or reference to their origin; further, one can point to potential gratifications from expected results, with no certitude whatsoever about the effects induced by his or her work (e.g. a research on a chosen or commissioned topic). Do the public and the stakeholders care indeed? An ethical point[6] of view would refuse translation equivalent to window dressing since the codes under which science functions in a sustainable and effective way are not relative but grounded in the specificity of science as a domain of thought. Yet, a marketing point of view would argue that the acceptance of university results and their efficient integration in the market – thanks to marketable products or to the appropriate placement of a well trained workforce – does legitimise a market approach, as long as law and basic rules of common behaviour (human rights, animal rights, property rights etc.) are not violated. But are they not already?

[6] The opposite to an idealistic 'Platonic' view of the market is not a realistic 'Aristotelian' one but rather a model listing all university operations tackling the three systems – scientific, academic and professional – and their interfaces as they uncover ethical choices and behaviour. This also means taking account of the regulating power of the authorities, public or private, i.e., of a comprehensible, transparent, democratic, effective etc. link between the normative system of the community and the existential world of the institution.

There is no room here for a simple dogmatism that would vilify as unethical all procedures linked to market-oriented research and study. Indeed, had not the universities cared for the labour market and the employment of their graduates or for the commodity market to improve human circumstances through trade and innovation, they would have never been the success they proved to be since the Middle Ages. The problem is different. If it is true that the amoral market is inherently open to unethical shortcuts, thus inviting unfair conduct, society has the task to regulate and limit the margin existing for intellectual fraud and deception. Hence the idea to enhance *academic freedom* and *institutional autonomy* as levers for honesty at the risk, however, of shifting to them the temptation arena by turning them into a permanent battlefield of conflicting interests, power-games – and corruption.

Academic freedom is based upon *trust*, in the first place – as markets should be. If the rules of recognition and acknowledgement are not being followed, no scientific community can claim the privileges that allow for creativity and innovation, without which the management of knowledge and the administration of wisdom would have ever set up those academic traditions that help bridge existing gaps both in social demands and in the continuity of generations. Surely, confidence-building measures are an integral part of the academic system since the latter's functioning highly depends from its recognition and appreciation by outsiders – although *not in terms of the market only*. Indeed, society assesses the results coming from the 'free' production of science not only on the basis of their use but also in function of the strategic choices made by society for its development. That is where *regulation* begins, even if the public, the beneficiaries of the results or the media already trust the integrity of the institution

and its members. When *the system of science and the academic system go 'public'*, however, some individuals and specific groups feel authorised to warn of the scientific outcomes' possible negative impacts, asking then for the dangers and risks to be assessed, thus raising ethical issues. Therefore, each case of abuse, each suspicion or doubt concerning a given result, each revealed fraud or plagiarism, and all related ideological conflicts tend to have an undesirable *impact*. Diminishing trust justifies a growing number of regulations especially considering that, when producing knowledge, methodological problems can be much more easily evaluated than the truthfulness and competence of the intellectual actors. When the U.S. government induced an expert group to distort findings on climate change, the trust of the public in academic honesty was deeply shaken, encouraging honest scientists to launch immediately a campaign to repair the disaster – trust is long to acquire but quick to destroy. The *Faustian* temptation, not the exclusive privilege of universities, is not really market oriented, however, but represents much more a challenge to established norms[7] one wishes to move beyond in order to explore the 'unknown' as a source of power. More commercial is the behaviour of scientists producing material that draws the attention

[7] It is very important to note that the assumed innocence of curiosity driven research tends to surrender to the Faustian temptation rather than to market-driven bribes and benefits. I shall not go into the discussion, how much we owe the transgression of externally set barriers to investigation. Recently a prominent neuroscientist said, by analysing the structures of the brain when thinking *we shall create a totally new image of man*…But the German idealism (Kant, Schiller) has intensely dealt with earlier forms of the problem, if truth may find its limitations in norms from the outside of the scientific system: Do not approach truth through "guilt" (= breach of codes), it (the truth) will never please you.

of potential investors and supporters to their results. As soon as these 'manipulations' become public, a reaction is likely to follow, here again. This is because science and academic systems both embody *republican institutions*. Which means that, as far as they are concerned, the general rules shaping society as such do fully apply to them since they are public: what they do, indeed, is to use 'public time' for 'public affairs' i.e., the *res publica*. And this is true whether the university is private or public, that is state sponsored; a corporate university, for example, must do more – never less – than a public institution to gain and maintain the level of republican recognition that is indispensable for sustaining a trustworthy academic system. More generally, one could say that the *environments* of the respective systems, which interact in the production of science, scholarship, qualification and intellectual capacity, create the need for permanent social intervention. That is why trust and recognition are essential and, polarised between *power and truth*, not only authority derives from them but also doubts for the present and perspectives for the future. One of the positive consequences of the republican nature of science is that any *Frankenstein approach* – based on double loyalties and requiring secrecy – will never stay hidden for very long. This is of importance for the debate about the respect or the breaching of the codes of classification and/or about patents, licenses and intellectual property, a debate where the usual crevice between reality and its presentation does encourage possible fraud and misdemeanour indeed.

Market environments are the grounds on which thrives externally induced misconduct[8] in academia. It

[8] For methodological reasons, internally induced misconduct will be dealt with later, also because I do no believe that external factors are prominent in finalising internal academic structures.

usually takes the form of bribery and undue advantage, albeit in many different guises.

3. *The culture of outside intervention*

No scientific system and no system of higher learning can exist by itself. Every institution and each of its members needs money, recognition, freedom and a set of complex circumstances allowing to accumulate knowledge, methods, discourse, that is social and cultural capital. In the development of such capital, after an era based on feudal and guild-like structures, universities moved to a republican nature that faced an increasingly republican environment or, more precisely, a *virtually* republican environment characterised by the public acting as the global *owner* of the institution. Thus was reproduced in the university the paradigm making up society: the ideals of the *citoyen* (egalitarian and all-encompassing) and of the *bourgeois* (group specific) would compete to 'colour' the outcome from science and higher education; the modern concept of citizenship tries to overcome that opposition by rather sophisticated strategies: the creation of income and profits from academic products becomes a generic force in the markets but the critique of reality, intellectual doubt and reasoning is then considered to belong to the public sphere of the citizen, whose political contour is delineated by a permanent and necessary antagonism to any power exerted both by the state or any strong private authority. Both sides of the medal add to the innovative and 'progressive' function of the university while contributing also to the stabilisation of the market and the stately organisation of society. Universities have thus become large licensing, authorising, approving, reviewing and correcting institutions – and so they have been over centuries. There is a clear difference however between the medieval guild-like institutions and present day estab-

lishments of mass higher education since the position of the individual (student or investigator) towards his or her institution has changed fundamentally. In particular, less and less common are the face-to-face dialogues allowing the development of academic integrity, in fact a personal attitude that needs to be shaped. Reification and commercialisation are thus taking over so that the prevailing discourse has become 'everything has a price'. Yet not everybody is ready to accept any form and level of pricing; indeed, there are many honest students, scholars, and intellectual peers in the systems of science and academe. But, on the other side, talent and proficiency do not correlate with honesty and trustworthiness. And that gap is a door open to a merchandising of academic occupations that entices direct bribes if not criminal intrusion in the process of knowledge – even if this is not the rule. However, the *do ut des*[9] principle makes things especially easy, when are heard things like:

> *If you search the following field, we will give you the machine you always wanted… If you provide us with a statement less critical than the last, we may top up your funds substantially… The potential for us of your work could lead to your being invited as the guest speaker at our annual conference, with a significant fee attached... We will recommend you as a key expert to a governmental commission… We know of the reputation of your university: why bring it into jeopardy by your unbalanced positions… etc.*

Beyond personal ethics – as required above –, the conditioning of the academic *habitus*[10] through inter-

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[9] See below.
[10] We use this term to refer to the theories based on Pierre Bourdieu's research on the *homo academicus* (cf. also Bülow-Schram, Vosgerau, 2005) while *habit* is being used in the ordinary way of customary attitude or label.

ventions from the outside is most common at institutional level and also represents a rather inconspicuous attack on the integrity of the university. Quite often, regional stakeholders hinder relevant research, because they do not see beyond the shortsighted views of a narrow employment-revenue circuit. Political stakeholders may also try to avoid the funding of applied research that might disturb their own clientele. Companies can try to buy exclusive rights in methods and results, not infrequently parallel to the normal rules of patents and licences – that are often precarious themselves. When interfering, politicians tend to consider the university and its 'inmates' as unequal partners in terms of negotiation or bargaining; therefore, they impose pressure on the institution through uneven terms. More surreptitiously, power games play on the deviation of legalistic procedures, on the development of special enhancement programmes, on exceptions obtained from general rules and on possible participation in undisclosed projects: a few people only will recognise that something is wrong even if many are affected by such processes! This is mainly true for research, but it can also be valid in curriculum design: whenever potential employers ask for the limitation of teaching freedom to allow for easier placement of *'normalised'* graduates, there is a good chance this reflects undue intervention. When confusion at the systems interface leaves unguarded university structures, interventions no longer have even to prove legitimacy. Public pressure – if lay persons become aware of inappropriate dealings – could have a positive and correcting effect on the institution, especially if their opposition is being turned into a scientific concern. But then the advocates of corporate privilege to intervene in higher education or research would immediately question the objectives of their contradictors and accuse them of 'politicising' the university…

In many countries in transition and in most poor countries there is another problem: when working conditions and salaries for academic employees are bad, it seems only logical that university people look for a second and a third employment – even outside of the system – or that the institution takes advantage of this academic willingness to be exploited. This is no excuse for individual wrongdoing, but it is a clear indication for governments and international agencies that social and economic conditions must be improved for all academic and support staff, at least up to the level when basic 'innocent corruption' is no longer 'necessary'. Externally imposed corruption has important consequences on the inner life of the institution.

4. *The problem from within*

Even if potential misconduct is strongly encouraged by interventions from *outside* the institution, as indicated above, the reality of malpractice occurs *inside*. This is particularly influenced by some peculiarities the universities share with no other institution. Thus, they enjoy certain privileges, such as academic freedom, and practices, such as communication among peers, which induce specific rules that are not easily understood by the lay public and the political establishment. Since much of the accumulation of symbolic capital (be it social or cultural) happens inside academia, universities have a clear external presence that not infrequently translates into money and financial flows.

Let us put aside all behaviour clearly belonging to the category of criminal acts, acts punishable under the penal code or some other rules of enforcement, like the disciplinary code for public servants. Such acts may, or may not, directly stem from malpractices or internal

corruption that are *not* subject to prosecution or other legal measures.

The internal structure of the institution thrives indeed on a few basic patterns of comportment which may reinforce each other or apply separately; they are:

* The '*do ut des* principle', which is typical for all guild-like institutions or 'closed shops';
* The 'reservation' complex: because there are *some* privileges setting the university apart from other institutions, *everything* goes;
* The 'rat races' induced by the '*commodification*' of university performance;
* The internal conflict between the *three-systems* – science, academia and professions – seen in a market context;
* The effects from *individualisation*.

There are certainly more dimensions to study but these are sufficient to show that moral judgements are not as easy to express as many zealous critics of academia would like!

Universities are problems for many for they represent (sorry for the old-fashioned statement) a major institution within civil society, – and even one of its fundaments. The interplay between the main actors – students, teachers, researchers, staff, public, media, parents, school-teachers etc. – requires a socialisation of the institution leading to some kind of consensus on what makes good university conduct and practice. Thus, basic agreement exists on the university being embedded in its social environment while, at the same time, it keeps a certain distance from society in order to have enough independence to act as a permanent critic and potential admonisher of societal transformation. This gap between the institution and its situation could, of course, represent the best protection against malpractice and fraud.

- *Do ut des*

This principle is fundamental in the socialisation process and, in particular, refers to the sacrificial offerings that traditionally bind the gods to return benefits to the giver. Watered down, this mimetic balancing of the accounts becomes simple *poli*-teness in everyday encounters, i.e., what makes the city (the *polis*) a place where personal freedom or social autonomy is guaranteed by a no-debt environment. But what is a debt and how to free from it?

Here is not too improbable a situation: a professor submits a proposal for a research grant and on the review panel sits a close colleague – or competitor; this reviewer may consider that the roles could be swapped after the next appointment of peer reviewers. Does this affect his or her opinion on the validity of the project being discussed?

Another example: a teacher skips several of his lectures because he or she has better things to do: the students might not complain if they can count on an indulgent control at the next examination in the field; moreover, colleagues might not denounce any impropriety if they see some advantage in behaving in a similar way – now or later.

These are two out of numerous examples for 'give in order to receive' situations. Such 'exchanges' are independent from the societal system or the positions of the people involved. This pattern of behaviour can be reinforced by temptations from other areas, like the 'commodification' of academic services, or by personal attitudes revealing weak moral fibre; it is certainly bolstered and supported by the guild and closed shop mentality inherent to academic organisation. *Favour* and *complicity* are the name of that game: you do somebody a favour and expect some kind of reward

in return; this is the basis for normal politeness which always tries to balance the exchange so that nobody is in debt to anybody else. But, social favour can also turn to be monetary, sexual, material or symbolic when the partnership is asymmetric. The lower partner will not only have to deliver first but will also remain the weaker after receiving something in return. The student pays for an examination grade and expects to be rewarded; the assistant delivers sexual services for advancement or promotion: both usually remain under the thumb of the 'demander' in power who then controls the required silence. The less transparent the system, the more people are engaged in a chain of corruptions[11], the less it is likely that the disclosure of one single case will expose general impropriety. The same is true for complicity which is the rule between equals or members of the same sector within an institution: the above example of sloppy teaching means breaching operative rules and delivering less than expected from a work contract or from established standards. To become an accomplice is not only to accept this tacitly but to envisage doing also the same, if convenient, thus actively bringing down the level of education in the area. Complicity, indeed, is the 'normal' glue of most groups and informal collectives. However, complicity could also cover scientific fraud and plagiarism; the wall of silence is then as strong as in the cases of undue favours. The cohesion of the institute or the department is indeed more important than personal correction especially if correction induces ostracism – if not bullying – from the group of immediate colleagues.

[11] I have adopted the habit to speak of *corruptionS* in the plural, since there are many different kinds of misconduct, which are sometimes not related and based on rather different grounds.

The *do ut des* principle also covers linkages between internal and external actors. Not infrequently, it is the ministry or an external group of interest that serves as a 'partner' in the exchange of favours. Outside of the university are also the parents who act for their student children, the donor who places family, the journalist who delivers a rosy picture of the institution in the local paper... In other words, the border between fair and unfair practices is very unclear since long standing working relationships could prove very close to complicity!

- *The 'reservation'*

Many university members consider they are a kind of endangered species or tribe only preserved by privileges justified by the specificity of their identity. These privileges have many side-effects in the daily life of academia. Academic freedom, for instance, implies unorthodox working hours, unusual definitions of 'presence' and 'absence', that all translate, for outsiders, into a rather odd lifestyle. These prerogatives, however, call for balancing responsibilities; the latter take the form of duties and special tasks that together make up the 'culture' of the university as an enterprise. A problem arises when people extend these privileges to all aspects of their existence, mixing unduly private and public functions, and forget about related 'duties', thus taking unfair advantage from their status as a 'protected species'; in fact, they shun basic rules of *reciprocity (*claiming, for example, *'it's me who had the idea!'*), they undercut democratic procedures (asserting that *'science cannot be democratic'*) or they trespass all kinds of borders in their life-style and sense of group solidarity. It would be rewarding to dig deeper in the ethnology of academic tribes but, for the moment, it

is possible to show that this culture of uniqueness has particular consequences on the group reproduction process, especially as the procedures of appointments and assessment, at least in developed academic systems, are covered by institutional self-governance. Even if favouritism and complicity is not high in a given university, the 'reservation' mentality – by encouraging, around specific behaviour patterns, the organisation of clusters and in-groups, clubs and schools, networks and interest streams – often creates implicit 'lobbies' that aspire to some kind of representation in order to stabilise the system in their favour. The style of reviews, the coalitions formed to promote or to reduce the chances of an applicant asking to join the tribe, all depend on sets of informal communication based on personal and collective loyalties expressing the needs of those lobbies, numerous and diverse, that crystallise group legitimacy. In order to 'belong', one is requested to adopt what often amounts to a 'secret' code justifying the autonomous existence of the respective tribes; this is common to many 'socialisation' processes, but, if such a *tacit* code does not balance privileges and obligations, there is little chance to expose to public doubts and questions its failures in terms of equality, quality issues and moral issues, i.e., the duties that balance special privileges. The notions of *fairness and equal opportunity* can thus be put at risk by the tribalism within the 'reservation'. The university as a *res publica* is then endangered by attitudes like '*such rules do not apply because we simply are what we are*'.

• *'Commodification'*

This paragraph could easily become a handbook of moral and ethical issues in the context of GATS, globalisation and the market orientation of all higher

education. Arguments here will be restricted to core
institutional structures that invite malpractice and mis-
conduct. As long as it is not understood that, always
and without exception, higher education serves the
market while simultaneously taking distance from
it – some times opposing it, others transcending it
– the debate on how the market forces seduce aca-
demic behaviour will remain inadequate. To deliver
workforce, counsel and qualification, to contribute
to creativity, innovation and development, to apply
science and manage knowledge represent for higher
education priorities that imply an exchange with
society. Universities supply what they consider to be
demands from the community. As indicated, however,
there are also demands deemed to be inappropri-
ate when the university fulfils a critical role, thus
opening a whole area of interest beyond the market:
there, university members and graduates explain and
transform the results from research and investigation;
there, terminologies are being born and dismissed;
there, alternative options and concepts are being
hatched etc… This sphere of imagination is where
the democratic elite and republican spirit can oppose
the reductive view of the world as a single market
cum stock exchange. In this perspective, the turning
of all knowledge and science into marketable com-
modities calls for fundamental questioning indeed.
Such basic criticism does not prevent the fact that, in
many cases, intellectual productions are commodities
as well; nevertheless, science and higher education
are also *public goods*. Between a public good and a
marketable commodity, there exists a permanent ten-
sion academics should keep aware of if malpractice is
not to enter the institution. 'Commodification' may
become the only and unchallenged mode of academic
operations and university management when the prin-

ciples of the *evaluative state*[12] are the sole rationale of university strategy. Such an imbalance of purpose and means results in *corruption through evaluation, when accountability, stakeholder-orientation, indicator-based calculation, performance oriented legitimacy become most common and represent the worst area for misconduct and malpractice.* Are not these fields of interest valuable and indispensable tools for the management of higher education, however? Yes, on condition they are not values unto themselves. The usual temptation is always to confuse the means with the ends. A university cannot excel simply because it performs efficiently… moreover, when the definition of efficiency – a comparative assessment of the use of means – also influences the outcome of the evaluation! If, for instance, value indicators give reviewed publications and scientific awards a key weight in the assessment process, academics could sacrifice other aspects of their professional life to publish – lest they perish. If a certain time budget is related to a given number of students, old-fashioned Taylorism could creep in to determine what a department's syllabus should be. Should it appear convenient, a long-term humanities programme could also be cancelled to re-shuffle resources toward short-term training programmes expected to generate a profit. All this is well and good but what of the 'ends' of the institution as such?

Appropriateness is the strategic notion justifying the 'commodification' process, 'propriety' depending essentially on the point of view of outsiders often unsure about their acceptance, support, and partnership with the university. The critical argument that non-market-driven research, curiosity, ethical com-

[12] Cf. Guy Neave.

mitment, and academia's own strategy (i.e., an *institutional biography* built on its '*reservation*' privileges) should also be given space and resources can be pushed aside when the external partners refuse to commit to 'ends' that the university has difficulty to articulate, especially when it falls into the prevailing utilitarian discourse. Then doors are wide open to all kinds of distorted activities. This is by no means a generalised attack but one has just to consider the consequences of one-way obedience to external demands on curricula and the quality of study; or the limitations they impose on non-marketable research fields in the arts and humanities; or on trans-disciplinary research; or on unpopular methods and investigations touching politically less supported areas... All this very much coincides with Andris Barblan's earlier analysis of the risks linked to an unbalanced commitment to *welfare* as a university function.

• *Systems competition*

The present argumentation is based on systems and their environments. As suggested before, the areas of interface between antagonistic or competing systems are brewing grounds for a wide variety of unfair conducts. The classical conflict is between the scientific and the academic (higher education) systems. As long as universities first refer internally to the development of disciplines and fields of research in the science system, the academic prerogatives linked to the authorising and licensing of teaching (today, the focus on study) will be at disadvantage and remain a second priority at best. This is not a moral issue but a structural one. It becomes an ethical issue of social importance when there is an attempt to separate study from research, 'study' allying with 'professional training' (the third

basic system) at the risk of devaluing academic criticism and lowering the research orientation of universities said to be characterised by science; there is a need for choice (and ethical arguments) if, on the contrary, the claimed unity between study and research is to be reinforced at the risk of creating conflicts with the professional needs in the employment system. In both cases, the students are most likely to be the losers. At present, the impact of research on study is stronger than the other way round while the influence of employment is strengthening, endangering the actual study/research balance existing in curricula and syllabi. Obviously the 'commodification' process referred above weighs heavily on these tensions, as does the growing solitude of individuals in the university as an institution.

- *Individualisation*

Systems as such are contextual and encourage mixed lines of conduct among the people that make up the academic milieu. Individuals, at the end of the day, are the ultimate actors susceptible of breaching rules and to misbehave. The interface between the various systems outlined until now and the individual – inside or outside the university – is the key to unfair practices. People accept or reject the potentialities of varied contexts and situations. Personal guilt is not the full answer, however. There may be external reasons, even *good* reasons, to abuse the system or breach its rules both on social and intellectual grounds. The context in poor countries or in countries in transition can explain – if not excuse – breaches in moral standards like the sale of admission places, degrees or certificates, like lowered quality of delivery due to double or triple employment, like phantom research that sells the same results to more than one patron, etc…

But individualisation means more on rather different issues: today's academic tends to be much more than a simple employee or public servant, indeed; he or she is supposed to be also a self-employed manager of his or her own interests, a therapist and a social worker. The question is not to explore all theoretical explanations of this new status (whether, for instance, it is more a secondary effect of modernisation than a symptom of reduced cohesive power in institutions like the state or the university) but rather to recognise that there has been a change in both the perception and the facts of the present paradigm: the university 'reservation' and its corporate cohesion are less and less the main determinants of academic habits. The interface with the external forces in the environment has become more immediate, more personal, less buffered by collective bodies. Responsibilities, liabilities, and temptations now refer more and more to individuals so that dishonest behaviour or fraud can be much more easily ascribed to a specific person. In old-fashioned labour terms, institutional solidarity no longer protects from moral temptations and challenges. Cheating, plagiarism, pretence, sloppy teaching, badly prepared lectures and all kinds of favouritism or complicity are both encouraged *and unveiled* by loosened cohesive powers. Corporate identity and codes of conduct may help to soften this effect since they are, in fact, reactions to the individualisation trend but they do not really reduce the growth of new areas of insufficiency. A conservative view would claim that the loss of symbolic power – scientist and scholars no longer answer a call ('a vocation') but meet the requirements of a professions ('a job') – explains such decadence; personally, I believe that an institutional view of this 'decay' is more appropriate.

5. *Institutional elements inviting malpractice and corruption*

Universities are part of several systems – scientific community, higher education, public service, market regulation, standardization and licensing – as we have seen. They all abide by their own rules and codes of conduct. This does not help compatibility. Thus, generally speaking, the *unclear* interfaces separating and linking the diverse systems invite the breach of rules or induce improper conduct. More specifically, however, the gaps existing between market ethics and knowledge ethics are key facilitators of possible malpractice.

May we here insist that if the academic system *invites* such malpractice, this does not mean that each and every institution is corrupt – and so are its members. In daily life, behavioural lacks are thus symptoms rather then proofs of a climate that could lead towards possible misconduct. I would like to finish on some of the visible gaps that do point to areas of potential weakness in higher education institutions, both outside and inside.

- External pressure is often demanding greater moral strength than what exists inside the institution. (*Cheating and plagiarism are possible shortcuts to recognition invited by requests for the quantitative and qualitative expansion of publications, awards, project applications and successful fundraising*).
- External pressure is made obvious by policies supposed to enhance reputation and by the habits of the academic world when reacting to ranking and assessment. (*Sacrifice quality standards to sparkling output!*).
- External partners – governments, ruling bodies, controllers, and the public – rarely understand that intellectual production and qualification is

not based on standardized time-lines that result in sloppy work and window dressing. (*Simple scientific work is inflated to grand proportions through incomprehensible language and redundant proofs that are offered as quality labels*).

- External sources of income are not well checked when value indicators are too output-oriented. (*Academics tend to take money wherever they get it from when their jobs and promotions are at stake; then funding agents may press for desired results, thus facilitating possible moral improprieties*).
- Inside the institution, moral embarrassment is a frequent shield against any accusation. (*Anyway, a scholar does not cheat, does he?*)
- Internal academic management is not really helped by well-developed legal expertise. Rules are often unclear or based simply on customs that are frequently outdated. (*A university does not need rules or does it?*)
- Internal references to seemingly egalitarian academic habits can cover all kinds of personal harassment, including sexual molestation and mobbing. (*A working environment made for academic peers – who are supposed to live on trust – does not invite real group scrutiny even if the close links people develop for common work can lead to transgressions that cannot be judged the way they would be on an open market place. Denunciation and false accusation then become elements of misconduct, as much as the actual malpractices themselves*).
- Within academia, intellectual property is rarely well protected. It falls prey to internal hierarchies (*e.g., professors may easily take information and ideas from their students and assistants*) and to sloppy control (e.g., *the unaccounted usage of other people's intellectual or scholarly work*).

- Institutional leadership and top administration shy away from confrontations with 'science' as a system since they fear that a strict code of conduct could limit the productivity and effectiveness of scholars and students (*Clear rules, however, can allow for a margin of transgression when action develops in a climate of well-grounded trust and fairness, an environment that does not discriminate between men and women, the young and the old, students and teachers, assistants and professors, the lay public and academic stars!)*

Turned around, all this means that a climate of good counsel and support can hold back unsuccessful members of the academic community so that they do not fall into temptation, this representing after all a basic strategy of containment for universities ready to assume their institutional complexity and functional diversity, both in terms of means and ends.

C. ACADEMIC ALIENATION AND EXPLOITATION
by Vanja Ivosevic

1. Background

ESIB – The National Unions of Students in Europe[13] conducted a small-scale research amongst its members, in order to gather examples of academic malpractice in different countries. The national unions of students were asked to report those types of academic malpractice, which were most usual – representing an estab-

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[13] ESIB – The National Unions of Students in Europe is the umbrella organisation of 50 national unions of students from 36 European countries and through these members represents over 11 million students. www.esib.org.

lished practice – rather than those cases considered exceptional in the country.

The national unions from Austria, Belarus, Belgium, Bosnia and Herzegovina, Croatia, Estonia, Finland, Germany, Hungary, Italy, Lithuania, The Netherlands, Norway, Poland, Serbia, Slovenia, Spain, United Kingdom and Ukraine replied to the survey. Because of short time given to answer, not all student unions were able to do so.

Based on the results and analyses of the survey, this article outlines student notions and thoughts on academic malpractice in higher education. It starts with the problem of defining the corruption and prejudice that exist in the academic community as regards academic malpractice. The survey, then, presents the results of the research on academic malpractice conducted by ESIB. However, the examples presented in this report do not say where or who reported the case of the academic malpractice. The reason is twofold: for one, it is not clear what legal consequences there might be for the one reporting the case. Secondly, and more importantly, the experience gained from the first presentations of the results, which did specify the country of origin of the examples, showed that the participants tend to 'defend their country' rather than discuss the issue at hand.

Examples are followed by the analyses of the survey and a typology of academic malpractice. The article then discusses the role of students in academic malpractice. Finally, its conclusion outlines the student positions towards academic malpractice. Moreover, it offers a student perspective on why academic malpractice occurs and what steps need to be taken to ensure that academic malpractice is eradicated from the higher education institutions.

2. *West vs. East: a problem of defining corruption*

It is important to point out that there is a common prejudice in the academic community (and society in general) that corruption exists solely in Eastern Europe[14]. The same prejudice applies to higher education, its institutions, students and academia. It was also evident that the same connotations were embedded within the student unions. When the term corruption was used in the survey, most of the Western European student unions' first response was that there are no cases of corruption within their own higher education sphere. At the same time, Eastern European student unions at first focused on examples of corruption which were on the individual level, in the relationship between a student and a teacher, rather than possible institutional or system level malpractice.

The key question is how to define corruption and what concepts of corruption there are.

The indicators cited by different international organisations (e.g. *Transparency International*) show that the level of corruption in society is often higher in Eastern Europe.

The traditional concept of corruption involves direct bribery, which involves exchange of money between two individuals. When this concept is applied to higher education, the first scenario that comes to mind is that of students paying to pass admission or exams in HEIs[15].

However, when the definition is altered to include 'abuse of power, usually for personal gain' then it

[14] The Eastern and Western Europe division in this article reffers to the historical division of Europe by the Iron Curtain.
[15] HEI. It will be used throughout the text to enable easier reading.

becomes evident that corruption is not exclusive to Eastern Europe only. As one of the students from Western Europe said, while discussing the survey: *"I didn't even think there was so much corruption in my country until now."* Therefore, the term academic malpractice was introduced not to hide the corruption, but to encompass different ways of abusing power for personal gain within higher education.

As the typology of corruption/academic malpractice will show below, there are certain types of corruption more common in Eastern Europe compared to Western European countries. The intensity and frequency of the events classified as corruption might differ. Yet, there are no countries, HEIs or academic communities in Europe immune to corruption.

3. Results of the ESIB survey on corruption: examples of academic malpractice

The survey conducted with ESIB members showed a variety of different examples of academic malpractice. The cases described by the student unions are outlined in this section of the article. There are three levels of academic malpractice here devised in order to enable easier discussion, analyses and the development of the typology:
• Individual level
• Institutional level
• System level

• **Individual level:**

The individual level refers to academic malpractice at the level of an individual, where the individual bears full responsibility. Even when academic malpractice is widely spread at some HEIs, it still constitutes indi-

vidual academic malpractice as long as the HEI is not giving informal or formal consent to the behaviour of individuals. This level usually encompasses academic malpractice between students and professors, or students and staff at a HEI. It is important to stress that this level refers to all the stages of higher education a student takes at the institution, from admission to Bachelor, Master or PhD studies.

Direct bribery

Direct bribery happens most often with entrance exams, when students pay professors or the administration staff either to receive the questions for the entrance exam in advance, or to be put on the list of students enrolled at a HEI. Very often students and their parents 'pull strings' for students to enrol at a HEI as well. The gain is often not money, but rather gifts, or returning favours in some other way.

Some countries have an established practice where the Rector (or the Dean) can enrol a number of students based on student's plea; in such a non transparent procedure, bribery or 'pulling strings' is rather common.

There have been reports of professors asking openly students to pay a certain amount of money in order to pass their exams. Very often, however, a professor does not openly ask for money but creates an atmosphere where it goes without saying that one cannot pass the exam without paying. The professor can, for instance, fail students until the student pays. Several student unions even presented cases that exist at some HEI of 'exam price lists' known to students.

It is interesting to note that there were cases of countries where students reported irregularities and direct bribery at the entrance exams, but claimed that

bribery does not occur during their studies. However, the opposite situation of bribery existing at the exams during studies, but not at the entrance exams was not once reported.

Indirect bribery and rewards

A more subtle example of academic malpractice has been reported by the student unions. Professors prescribe literature for their exam, which includes a book written by them or a colleague, and insist on students buying a copy. Students cannot access the exam unless they have their own, signed copy of the book. Clearly, teachers gain financially from such arrangements even if the students do not pay them directly.

Gifts

Some countries reported that bribery in form of paying exams is not common at their HEIs; however gifts to teachers were common to ensure the smooth passing of exams or higher grades.

Nepotism and power groups

Reports showed that in some HEIs lobbies of those parents who studied at the institution were very influential. These lobbies can manipulate entrance exams and grades during the studies of their children. Medicine and Arts were the areas of studies that were mentioned regularly in connection to this type of malpractice.

Other countries indicated the unclear role of Alumni in the admission procedures of HEIs, some having at least an influence if not the final say in the admissions.

Harassment and discrimination

Not a lot of actual examples of discrimination were mentioned by the student unions. One concrete example that was given was of a black student applying for a 'habilitation' in medicine. The professor told him that at the moment the country was not ready, yet, for a black professor in medicine. The professor further recommended him to apply for a position in England instead.

Although not reporting concrete examples, most unions did feel that harassment does happen in the classroom, as well as during oral exams. What was mentioned clearly is that sexual harassment often happens at the master and PhD level between a mentor and a student.

A positive example was given by a student union that worked actively with the HEIs on these issues. The United Kingdom has known quite a number of problems when it comes to harassment based either on gender, ethnicity or sexual orientation. The National Union of Students worked hard on these issues and obtained the introduction of anonymous marking for exams: the harassments dropped significantly.

- **Institutional level:**

The institutional level refers to academic malpractice at the level of the HEI, where the HEI bears responsibility for the academic malpractice.

Political influence

There is a deep and continuous problem of political influence from the government on the HEIs, on deans and rectors especially. They are asked to influence the voting behaviour of the students studying at their institution. It is widely known that most of the malpractice on

votes occurs in the 'pre-voting' period when deans and rectors actively encourage students to vote before the day of the elections. Usually 'pre-voting' – in a HEI taken as a voting district – is promoted by saying that there is a competition between institutions to be the first to finish the voting. Students who do not accept to vote in the days before the election day are often put under pressure and threatened not be allowed to pass exams or graduate. Furthermore, students who are active in promoting democracy through different campaigns which aim at spreading information and improving transparency are often threatened and harassed during their studies.

As the recent extreme cases from Belarus showed, students active in different non-governmental organisations have been sanctioned for civic action by expulsion from their universities. The deans were politically pressured to threaten and dismiss the students who were active in election campaigns or were involved in international cooperation. In Belarus, the practice of expelling students from their HEIs continues.

However, students from other countries, including some unions from Western European countries, also reported political influence, but in the appointment of professors. Although they said that the facts were difficult to prove. Examples were given too of alliances formed around political party lines during elections for the governing bodies, in particular for deans and rectors. During the allocation of funding from the national level to the HEIs, the political inclination of the leadership of the HEI can play a role, both in Eastern and Western Europe.

'Old Boys Clubs'

Many reported the existence of small elite groups of senior, usually male, professors able to have significant control on decisions about staff selection. These

so-called 'old boys clubs' can draw staff profiles and criteria of selection such as to suit certain candidates. Also, the selection panels for staff are chosen to favour already preferred candidates. Even the procedures of selection are designed by the 'old boys clubs' to ensure and formalise their influence in the decision-making. 'Old boys clubs' play an important role in the promotion of already employed staff too. Junior researchers are often discriminated against those who have been at the HEI for a longer time, even when their teaching skills and research activity are of higher quality.

The 'old boys clubs' often play a significant role in the distribution of funding for scientific projects. Especially within a small academic community, fair and objective evaluation of scientific research and proposed projects is rather difficult. 'Old boys clubs' are often crucial in making sure the money is allocated to those researchers who are part of their groups or are protected by them. Again, seniority plays a significant role in assigning funding, rather than quality of research.

Student unions also stressed that 'knowing people' matters during the selection of students for PhD programmes. Often the candidates who have finished their bachelor and master programmes at the HEI are in an advantaged position compared to those candidates who have earned their degrees elsewhere.

Furthermore, students stressed the importance of the responsibility of student representatives in the governing boards of HEIs. In some cases, student representatives see a possibility of future employment at the HEI. Therefore, student representatives sometimes tend to be 'constructive', instead of arguing for student interests clearly and directly. Such behaviour of student representatives constitutes an academic malpractice within a student union itself; however it also endangers the work of the HEI itself. Student representatives are a built-in-

system of quality assurance for decision-making: they play an important role in ensuring democracy, transparency and the accountability of the governing structures.

Transparency in financing and accountability

When it comes to admissions, especially in highly selective institutions, there is ambiguity on what role alumni networks may play in getting their protégés into a HEI. The system of private donations to HEIs can also have an influence when it comes to the enrolment of students. However, due to the fact that all students do pass an oral interview, these cases are hard to prove.

A special form of corruption came along with the introduction of tuition fees across Europe. Mainly, the ways in which the amount of tuition fee is determined are not transparent and often differ from the legal framework. Legally, tuition fees should be based on the costs of studies per individual student. However, in most cases, tuition fees are not determined on actual costs but on a vague estimation by a faculty council comprised of members of the teaching staff. Additionally, faculties have discreet right to set administrative taxes which vary from institution to institution. Their common feature: administrative taxes are usually much higher than the actual administrative costs.

In addition, faculties often enrol students without guaranteeing the quality of their education when they do not have the facilities or human resources to hold lectures for all students. Therefore, many students are asked not to attend classes, and students more often report unfair examination at such institutions. These examples are distinctive for higher education systems where quality assurance is still not developed. Therefore, in such places, there are no clear standards on the facilities that an institution needs to provide for its stu-

dents. That is why these cases represent border cases of breaching the national laws, because institutions interpret the regulations that do exist in a broad and unfair manner. For example, those institutions regularly do not report correct numbers of students enrolled, as well as their profits from tuition fees to the national or university level authorities. Faculties mentioned regularly as example of such cases were Economy and Law.

Conflict of interest

A conflict of interest can be found with professors sitting in both state and private HEIs. It can happen that the same professor blocks the change of curricula in a state institution while she/he introduces it in a private one, making the latter institution more competitive and more prestigious.

In recent years, a number of private institutes have been opened with the aim to support students who need extra help in passing exams at public HEIs. The students who take extra classes at these institutes pass exams at the HEIs automatically as there are connections between these institutes and the professors at the HEIs. Some professors, indeed, advise students to take extra classes at these institutes to be able to pass their examination.

Staff employment, staff evaluation and advancement criteria

Abuse of power related to the recruitment of teachers or researchers – a formalised and therefore regular procedure – is common when it comes to staff employment, evaluation and advancement criteria. In many cases the definitions of the scope of the position advertised are custom-made to suit certain applicants. Additionally, experts, whose opinions are used as a basis for

the recruitment, are selected to meet the orientation of the desired applicant. In some universities, this leads to nepotism, the daughters and sons of an influential older professor all finding positions in their father's institution or the university next door! Assessments as to the extent of the problem vary greatly, and there are no reliable numbers on the issue. The assessment is made more difficult by the nature of the problems since very slight alterations in the profile of the position or the composition of the experts' panel have large implications as to the result of the recruitment. The abuses of power are seldom clear or obvious but one would claim that in a large a number of recruitments personal relations play some kind of role. As the line between strengthening a department's profile and favouring one's friends is rather hazy, an estimate as to the scope of the problem is rather difficult.

An interesting example was given by one student union that referred to the 'making up of job positions'. What happens is that when academic staff are proven not to perform satisfactorily, be it in a teaching or a 'managerial' position, instead of being fired, they get promoted to new positions, which are created by the governing body of the HEI at that moment specifically for them. Lately it has become a common, widespread practice that happens usually at the highest level of institutional governance rather than at the teaching, staff level.

• **System level**

The system level refers to academic malpractice occurring between different institutions responsible for higher education. The responsibility at system level goes far beyond the individual as it requires different members from different institutions to act together, abusing their power and positions for personal gain.

Distribution of the national budget to HEIs

One student union reported that, in their country, a lot of strings are pulled for certain institutions to get money. Almost all institutions apply for funding with fake budgets which are never checked afterwards.

An interesting case happened at national level with infrastructural grants from the EU. Experts sitting on the panel deciding on approval of university projects asked the rectors to pay them to recommend their projects. There has been no proof or investigation so far.

Power of the rectors' conference

A student union reported significant and unclear powers of the rectors' conference in their higher education system. The rectors' conference is coordinating all the interrelations with governmental and local government bodies. According to the law of higher education they are just a structure with an advisory role. However, the rectors' conference can tell the government what number of students they want in the HEIs even when the government is not ready to increase the support for the students or when the infrastructure of the HEIs can not bear an increase of students. The government complies with the rectors without discussing the matter with other stakeholders or even defending its own positions. For the student unions it is especially hard to discuss and ensure that the students are consulted on issues at the national level.

A shocking case was when the HEIs charged tuition fees against the regulatory framework which exists in the country. HEIs argued that, considering the autonomy of institutions guaranteed by the Bologna Declaration, they had the right to charge tuition fees.

4. Analyses of the Survey

Several issues arose while conducting the survey: how does academic malpractice work, how does the student-teacher relations affect or are affected by different forms of malpractice? What has not been mentioned by the student unions in their answers and why? Those and additional issues are discussed in the following analysis of the survey.

There was a significant difference between the Eastern and Western countries when they reported on examples at individual level. While unions from the East regularly mentioned cases of direct or indirect bribery, gifts presented to either teachers or staff, the western unions clearly said that such practices do not exist in their countries. However, cases of nepotism, harassment and discrimination were present in all reports.

It is easy to disregard harassment and discrimination as academic malpractice, because they involve rewards that are not of a material nature; however any type of harassment or discrimination is indeed an abuse of power. When a professor requires a sexual favour from a student, the professor is clearly abusing power. In a classroom or at exams, professors can also use their position to humiliate students, call them names, or belittle their opinions. Therefore, it is not in any way less severe than other types of academic malpractice and should not be disregarded. It is crucial to recognise such behaviour as academic malpractice and to design adequate procedures that will ensure proper consequences and sanctions. Only procedures – which do bring consequences – enable the building of trust between students and teachers. Ensuring a high level of trust between teachers and students brings them to the same level. Only in the countries where the relations between teachers and students are considered hori-

zontal by both sides, where both students and teachers see each other as partners and colleagues, can academic malpractice on the individual level be brought to a minimum. When a culture of equality exists, even students feel that if academic malpractice happens it represents isolated cases.

At the individual level it would also be relevant to discuss academic malpractice between individual professors, especially when it comes to the behaviour of professors within the governing boards of institutions, or in the teams reviewing research projects. Within the governing structures, some professors form small circles which vote for each others' proposals not on the basis of objective criteria but because they know that, next time around, their own proposal will be supported. Similarly, when different research project review teams are set up to award funding or to review project results, professors tend to live by a culture of returning favours – 'a good review for a good review'. The culture of returning favours is especially visible in small academic communities. Moreover, a culture of seniority – a professor with a longer academic career receives better reviews and promotions – is strongly present all across Europe. The appeal of an academic career to young, potentially excellent students and researchers is seriously damaged by a seniority culture.

This type of examples, linked to forming circles of power within the institution, clearly hinders democracy and effective decision-making. It is especially difficult to discuss them because it is hard to distinguish groups of decision-makers who do share similar beliefs and values and therefore often 'vote together' from those circles who do it for the purpose of attaining personal gain. However, it is crucial to take them into consideration and find ways in which to prevent their proliferation within institutions since such circles can develop

and form the basis for the formalising of procedures and practices that support institutional malpractice.

The institutional level, moreover, plays a crucial role on whether academic malpractice at individual and institutional level spreads or remains limited to isolated cases. The institutional level can consciously or unconsciously set up governing systems that do not effectively tackle academic malpractice; therefore the HEI can in fact promote academic malpractice.

It is interesting to notice that the institutional malpractice connected to staff conditions and to power clubs in HEIs was mentioned more often by the students from Western Europe. Where academic malpractice at the individual level happens on a regular basis, students have often not reported such misbehaviour unless specifically asked. Logically, students felt that the malpractice at the individual level affected them more directly. It is important to stress, as explained previously, that individual malpractice requires an institutional response. Furthermore, it is essential to notice that institutional malpractice, although it seems less direct, has an impact on every teacher and every student.

Only one student union mentioned degree mills as an example of institutional malpractice, even though the degree mills are the most used example of institutional malpractice and the least controversial. Degree mills are an example of academic malpractice where a whole institution has been set up to perform against all academic values and principles. Therefore other HEIs do not consider them to be 'true' HEIs anyway, which makes this example least controversial for academia.

The discussion about the institutional level of academic malpractice becomes more controversial when it involves institutions considered to be part of the higher education system, institutions that apply similar practices to other HEIs and that are recognised as

'true' HEIs by their peers. But there are more ways of academic malpractice at institutional level: they include staff employment and admission criteria, and raise issues such as the informal consent of institutions to individual academic malpractice – that amounts to intentional or unintentional promotion of academic malpractice.

At the institutional level, academic malpractice is often formalised because those in power can also make sure that their acts are in line with the formal procedures. Therefore at the level of institutions it would be useful to discuss formalised, formal and informal acts of academic malpractice.

Formal acts of academic malpractice would constitute any breach of internal procedures and rules set up by the HEI, or a breach of national laws. Formalised acts of academic malpractice would mean creating such procedures and rules within the HEI that authorise the HEI to act against academic and moral values. Informal acts of academic malpractice would constitute acts or behaviour that does not break any rules or procedures, but goes against the same academic and moral values.

Based on such a division, it is important to examine the way the governing bodies of HEI work. The institution's highest governing body, through its decision-making powers, chooses to create effective or ineffective procedures. The decisions taken by the ruling bodies create a governing system which either effectively tackles academic malpractice or prevents the individuals and the institution to act on academic malpractice. Such decisions can be taken unconsciously or consciously. Therefore, HEIs may choose to promote academic malpractice or can seriously sanction it, and have it confined to rare isolated cases. In the same way, HEIs can choose to formalise academic malpractice by creating formal procedures and rules which support malpractice. For example, a HEI can establish

staff employment procedures which promote 'old boys clubs' – and stress the importance of 'knowing who is who' –, or it can truly promote equal opportunities.

As the research done by ESIB showed, in cases where there is individual academic malpractice, especially in the cases of harassment and students having to pay for exams, the wider academic community is aware of what goes on. However, usually this is considered to be just rumours rather than information suitable for further (legal) action. As a result, there are no consequences and academic malpractice becomes common. HEIs informally support such behaviour because they are not ready to properly address these issues. Therefore, the institution might not carry any legal liability but it remains accountable to the students and those teachers who are not involved, as well as it stays responsible for the quality of the institution and the higher education system as a whole.

The more difficult cases to discuss are those of academic malpractices that have been formalised through higher education procedures and that, therefore, do not break the rules as does the previously examined type of academic malpractice. Many student unions reported staff employment as one of the biggest problems when it comes to academic malpractice at institutional level. All national unions of students acknowledged the existence of personal influence when academic staff is to be employed in HEIs. The existence of 'old boys clubs' which influence the employment procedures is rather evident in most countries. Several institutions even started making up positions for the academic staff who were not performing satisfactorily, although criteria for firing them had been met. Such formalised ways of malpractice occur often when scientific funding is allocated. Evidently this type of practice influences the quality of teaching, research and development of both institution and science. Establishing clear procedures

on employment, evaluation, promotion of staff and allocation of funding is a corner stone for creating a high quality education and research. Therefore, it is crucial to find appropriate ways to discuss openly the established procedures and the means to deal with those who promote malpractice.

It is essential to note that many types of academic malpractices do not necessarily bring such obvious rewards as money and gifts. Promotions, recommendations, special treatment when deciding on funding or employment are often at stake. It is extremely important to be aware that this is still academic malpractice, that it is still corruption and requires procedures that will enable appropriate examination, sanctions and establish fairness and accountability.

5. *Types of academic malpractice*

There are many possible ways of developing a typology of academic malpractice. The particular framework below was rather difficult to develop since it needed to take into account different situations across Europe. The survey and its analyses served as the basis for the creation of that typology. While discussing academic malpractice, the possibility of other types of academic malpractice that may occur in different HEIs and countries needs also to be taken in consideration. It is also important to be aware that not all types of misbehaviour happen everywhere. Each country or institution might find it useful to develop their own framework – that corresponds to their own particular situation and needs. Nonetheless, this framework aims to serve as an information tool, a possible first step towards developing a strategy on academic malpractice for different stakeholders and a reference for the academic community when discussing academic malpractice.

The starting point for categorising academic malpractice was the level at which the academic malpractice is taking place:
- the level of individuals,
- the institutional level and
- the system level.

For each of the levels different types of academic malpractice have been developed.

Level at which the academic malpractice takes place:	Type of academic malpractice:
Individual level:	• Direct Bribery • Indirect Bribery (and rewards) • Gifts • Nepotism • Power clubs • Harassment • Discrimination
Institutional level:	• Political influence • Nepotism • 'Old Boys Clubs' • Alumni • 'Pulling strings' • Unclear procedures • Ignoring procedures • Lack of transparency in financing and accountability • Conflict of interest • Pre-arranged staff employment • Buying of degrees • Poor and unfair decision-making • Non decision-making • Burying heads in the sand • Seniority Culture • Returning favours
System level:	• Political influence • 'Pulling strings' • Power clubs • Fake accountability • Pressure on student unions • Poor and unfair decision-making

6. Role of Students in Academic Malpractice

Students represent the largest part of the academic community. What happens at the HEI or in the higher education system in general plays a role in their studies, their personal development and their contribution to society. Therefore, it is important to reflect on the involvement of students in academic malpractice and in solving the issues previously raised by this essay.

• **Students as victims of or accomplices in academic malpractice**

Many student unions which have worked on the topic of academic malpractice in their own countries pointed out that they had problems with getting their messages through because the HEIs and their staff felt that they were being attacked while the problem of students involved in the corruption was not tackled. Some unions also said that they did want to work actively on academic malpractice but felt that the students would not want them to do so since they were also involved in established patterns of academic malpractice in their institutions. Therefore, it seems important to differentiate between students who are victims of corruption and those who become accomplices through their actions. Such a distinction is relevant to academic malpractice at the individual level.

Students are accomplices when they take an active part in the affair; for example, when students accept to pay bribes to pass exams, they become accomplices. The procedures addressing academic malpractice must clearly outline what type of malpractice carries what type of consequences for teachers *and* students. These criteria need to be publicly available. A student, like a professor, should then be sanctioned according to the

previously set procedures and criteria. However, all have a right to a fair hearing. Applying the criteria in an objective and consistent way is crucial to ensuring trust in the HEI.

Are the students victims or accomplices when there are no procedures to report academic malpractice at a HEI? The role of the student unions is crucial in such cases. The student unions should take up the role of representing an individual student and report the case to the governing body of the HEI. Yet, if the HEI does not take steps, it clearly approves and encourages further practice of academic malpractice. In fact, the institution sends a very clear message to teachers and students alike according to which academic malpractice is tolerated at the HEI. Students are victims however if the procedures and structures set up to tackle academic malpractice do not carry out their function. The message sent by the HEI is the same – the HEI might as well not have procedures if they are not applied.

But what kind of consequence has this? What happens when there are no appropriate procedures to report and address malpractice, or when an atmosphere is created that tolerates malpractice, or when sanctions against the malpractice are never taken? Here students are not necessarily blackmailed but they are aware of how the HEI works. What goes on at the institution shows them that gifts or money can speed up the procedures and provide them with a smoother studying path. The students often believe that because misbehaviour is so frequent, all the professors act the same; thus, they usually do not trust the HEIs to address these issues properly. They do not see the consequences of academic malpractice because there are none, so they consider such behaviour as normal and act themselves according to the same established pattern. This leads to academic malpractice becoming the norm in one's set of values.

Similarly, harassment, discrimination and nepotism – if not acted upon by the institution – become a part of the culture. Students even reach the point where they accept that a certain teacher acts in an unacceptable way towards them since this is tolerated by the institution.

In such situations, students need to take responsibility for their actions while HEIs should address and find proper ways to deal with such behaviour. What is important is to acknowledge that a culture of non-sanctioning and non-acting leads to students fearing that they are the ones who will suffer the consequences if they do report malpractice, be it bribery or any other form of abuse.

- **Proving individual academic malpractice: do we trust the students?**

Academic malpractice is a very controversial and sensitive topic. Many are ready to bury their heads in the sand. In numerous cases HEIs turn the other way when it comes to individual academic malpractice, often because of the reputation of the individual. Many professors feel as if they might be betraying their colleague instead of considering they are betraying their students and the quality of the institution. Often, a fear for their own position at the HEI is present as well as the fear of possible pressures that other colleagues might apply informally. However, the only way to keep the reputation of all teachers intact, as well as the quality of the HEI, is to sanction, openly and quickly, those individuals who are involved in academic malpractice.

When debating the issue of academic malpractice, one of the most frequent arguments is whether there is proof for the faults claimed to exist in the HEI – no matter the type of academic malpractice. The other

usual issue bears on who is responsible – individuals or the institution as well. Both issues, although important, often become an excuse not to act.

The underlining question in the cases of individual academic malpractice is 'Do we trust the students?' It is extremely difficult to have evidence in the cases of individual academic malpractice since it usually boils down to one person's word against the other. To ensure that no one bears consequences for something they did not do, the academic community must develop a positive climate where students feel comfortable to report malpractice. Students need to be certain that a procedure to determine whether academic malpractice took place or not will be fair and transparent. Proper and visible consequences for those committing academic malpractice as well as cooperation between students and teachers seen as a value promoted by the HEIs will ensure that students do not only come forward but that they do so with legitimate reports of malpractice. Students need to be certain that there will be no consequences for them when reporting academic malpractice, both formally and informally, that they will not have difficulties with other professors, staff or the management of the HEIs. This can only be achieved if the student-teacher relationship amounts to a truly equal partnership, in other terms if the students feel trusted.

When it comes to institutional academic malpractice, individuals (teachers, staff or students) find it difficult to speak out against established procedures. This usually leads to vicious circles that are difficult to break; and so academic malpractice continues. Dealing with it requires a certain level of consensus in the academic community of the whole institution. The leadership often plays an important role in opening up the institution to reforming and changing its established patterns, be they informal or formalised.

- **Solving academic malpractice with students**

Although this was not a topic of the survey the student unions shared their experiences of active work on the topic of academic malpractice. Most have done national or institutional level research on different types of malpractice that has started discussions within institutions as well as society. Although 'whistle blowing' is not always pleasant it does often constitute an important first step in addressing issues within institutions whose management and academics are not ready to deal with academic malpractice.

However, it is evident that without cooperation and trust between students and teachers the problem cannot be tackled effectively. Students and teachers need to know that the institution they are a part of works according to a democratic, transparent and fair set of values, where abuse of power is not tolerated in any way or form. Therefore they need to work together to build such procedures – whether they deal with bribery, staff employment or funds allocation – that both groups can rely on and trust. Transparent regulations that will ensure that the institutions' quality is not endangered by different malpractices can be set through equal partnership and open discussion. After all, the quality of education and the institution is in the interest of all the academic community, students and teachers alike.

7. *Conclusion: the students' point of view*

Academic malpractice is a term that encompasses abuse of power for personal gain. It is not confined solely to 'standard' corruption, which refers to bribery and involves money. Abuse of power for personal gain is not restricted to only some regions or some institu-

tions; it occurs across Europe, although it can take different forms.

Academic malpractice, in whatever form, considerably hinders the quality of education and undermines the role of higher education in society. Even when malpractice happens in isolated cases, it still plays a prominent role in the quality of studies and the institution as a whole. The consequences of established patterns of malpractice – be it bribery, staff employment or power clubs – create changes of values at the institution. It promotes unacceptable norms, which are transferred to the working life of students who then grow accustomed to such standards, thus contributing to a vicious circle in the institution itself. This shatters the role of higher education as a creator of responsible citizens committed to the development of democracy and society. Therefore, HEIs need to take responsibility for sanctions by not tolerating any form or established way of academic malpractice. In the end, institutions are accountable to the students, teachers and society for the quality of education they provide.

Setting up a governing structure based on democracy, transparency and accountability can sound like nothing more then an empty phrase. Nonetheless, students, teachers and staff need to be able to discuss on an equal footing, in an open debate, to be able to solve problems effectively as they arise within the institution. The governing structure needs to ensure partnership between different groups in the academic community – students, younger and older teachers, management, and staff – to enable the building of the trust that is crucial to solving sensitive issues such as academic malpractice. Institutional decision-making needs to be transparent and accountable to the whole academic community to prevent the creation of formalised procedures enabling misconduct and to ensure that actions

are taken against academic malpractice – rather than falling in the temptation of 'non-acting'.

Only a governing body set on the principles of accountability, transparency and democracy can be trusted to create procedures that will effectively tackle the academic malpractice. The governing boards, as well as the stakeholders, need to ensure that clear, transparent and fair procedures are in place to tackle different types of academic malpractice. The procedures create the trust in the institution, its teachers and staff, and its quality. Its commitment not to tolerate academic malpractice is seriously questioned when such procedures do not exist, are not applied, are used arbitrarily, or are not functional.

Students play a key role in creating solutions to academic malpractice and its consequences. Students need to be recognised as active participants in their studies, they need to be treated with respect by their teachers in the classroom and at the exams. Furthermore, their contributions and suggestion within the classroom, their evaluation of the teaching and the institution itself form an important part of the development of teaching methods and programmes, as well as of the quality of the HEI itself. At the same time, the classroom and exam sessions are where the students are most vulnerable since it is where the teacher clearly holds the power position. Establishing a student centred approach and a partnership relation between students and teachers is thus of utmost importance. This means that teachers need to respect their students, encourage them to develop critical and constructive thinking not only towards their subject, but also towards their own teaching methods, programmes and the institution. Student-centred learning instead of *ex cathedra* teaching, and partnership rather than power, constitutes not only the basis for

eliminating malpractice at individual level but also for stimulating development of education as such.

Similarly, in governing bodies, student representatives and student unions need to be recognised as equal partners in governing and decision-making. Students need to be able to take an active part in decision-making since the decisions taken by the different governing structures in HEIs directly influence their study conditions – both academically and socially. Student unions need to be able to present problems and solutions on equal footing with other groups. Only when students representing students are recognised as partners, can they speak freely on the issues of academic malpractice, and only then can they work constructively in finding and proposing solutions to manifest problems. Those solutions, that involve all the members of the higher education community, ensure a commitment in taking action and in establishing a culture of 'no tolerance' to any form of malpractice.

FINAL REMARKS

1. Personal or institutional responsibility?

Credibility and *visibility* are the keys to the management of academic malpractice. Both are the assets any university must bank on if it wants recognition as a player in the community of higher education and research, be it on the local, regional, national or global level.

Credibility builds on the capacity of universities to react effectively to the needs of their environment or to shape relevant cooperation with public and private partners. The more responsive and the more responsible a university can act to contribute to the development of its environment, the better its social status may develop. Responsibility, however, must be

backed by sound academic relations – which make
the institution a working body as efficient internally
as it is effective externally. This means structuring the
quality of outside activities around the integrity of the
persons working inside the institution, such persons
acting its values and principles while representing them
in the wider world of knowledge. The coherence of
inner quality with the level of provided services thus
becomes the signature of institutional reputation. This
grounds university *visibility*.

In other words, the *interface between the inner and
outer responsibilities* of institutions of higher learning
is essential for their long-term recognition and survival
in the world of knowledge. Managing this interface,
however, is not easy.

Firstly, because the university is often *a fragmented
and diverse institution*. Who speaks for the institution?
The rector, in official meetings with public or private
authorities? The Faculties or Institutes looking for
some outside support for innovative projects? The pro-
fessors addressing the media as experts of given fields
of specialisation? The students assessing the adequacy
of their training? They all refer to the same institu-
tion but each from their own viewpoint – at the risk
of making the university an instrument for their own
immediate goals. To ensure the necessary convergence
of interests that can shape the institution as a unique
body, university members must turn into a community
of shared belonging, i.e., a group of co-workers with a
common purpose.

Secondly, because the university acts as a *black
box*: society knows what enters the institution (funds,
students, personnel and equipment) and what comes
out of it (graduates, development activities, services or
publications) but usually it ignores how given inputs
turn into specific outputs. The processing of activities

is the area where all kinds of combinations between individuals, resources and expectations can happen in view of planned results: there are many ways to achieve specific outcomes and some could be dictated by hidden agendas in which tactical moves take account of positions of power – collective or individual – that may be used for personal gains. In terms of institutional management, the key to results not tainted by suspicions of misconduct is *transparency* or, rather, an attitude of *openness* that allows for trust in collective and individual responsibilities that, inside the institution, engineer academic processes.

The interface between inner and outer commitments is also difficult to manage because it is the point of *convergence of personal and institutional responsibilities.* Often, universities try to pre-empt unfair behaviour by drafting codes of deontology that call for personal ethics to govern the relations binding the various members of the university, from teachers to students, from researchers to administrative staff. However, if values have been betrayed by distorting research results in function of outside needs, for instance, the blame should be laid not only on the person guilty of misbehaviour – who becomes a scapegoat – but also on the institution or the system that has allowed or even implicitly encouraged tampering with academic principles. Driving out the black goat, from the institution – or from memory – is an easy way out. This essay considers that all persons are part of the institution they belong to; thus the university is also responsible for the offenders it has admitted in its ranks when they distort internal or external relations: therefore personal malpractices become institutional responsibilities when they touch the credibility of academic work and activities – with the risk of ruining university visibility.

In other words, codes of deontology are but aspects of the organisational rules that shape common behaviour. Therefore universities need *codes of institutional practice* if they are to *uncover, control or eradicate academic malpractices* that are grounded both in personal greed for power or money as well as in institutional longing for external recognition. The local image and the international profile of the university grow out from this double desire of the institution and its members. Untangling these two strands of motivation – or finding out how they cross-fertilise each other – represents the hidden core of the governance of knowledge. Realising these two aspects in conditions of transparency and openness translates into the ethical management of academic institutions.

2. *Institutional answers to malpractices*[16]

This is a 'hidden core' since rules are not always explicit and, in an academic milieu long accustomed to peer control exerted in limited communities of interest, many behaviours are going 'without saying': *doubt* and *self-doubt*, i.e., the toleration of other perspectives, are indeed the implicit norms of scientific reasoning for the development of knowledge. *Academic culture* really means a high degree of humility vis-à-vis a 'known' constantly under review as well as a permanent urge to explore the 'unknown' further with no preconceived idea. Such an ethos implies self-control at individual level and, at institutional level, openness to the unexpected. Attitudes of personal restraint are thus considered universal, a way to justify academic freedom as

the motor of intellectual progress since it allows for dissent without personal risks being taken for disagreeing with accepted truth. Free research and free thought are therefore the keys to individual liberation, i.e., to the development of the person as a unique bearer of potential change – from students to professors. These rules have long been internalised in academia and, when malpractice emerges, they are usually referred to although they are rarely put on paper.

With the 'massification' of universities, a growing number of students and staff, by the fault of sheer numbers, have been less and less brought up into the customs and thought patterns of academic tradition. Peer group pressures tend to diminish when the group becomes too large for its members to feel part of a given community. Therefore, to avoid too centrifugal a dispersion of interests, *the implicit had to become explicit*: hence the drafting in many institutions of *codes of deontology* that try to outline the ways and means of proper personal behaviour, should the university and its members still be counted as part of the world academic community. And to ensure that the institution becomes a real community of belonging, members may even be asked to take an *oath of commitment* to a shared purpose. Personal accountability is thus made clear. The original tension between consent and dissent on which universities are built evokes, however, both a high degree of individual freedom and the strict adherence to collective rules since, as told above, each individual represents the entire academic community. In today's changed circumstances where more than half of each age cohort is supposed to go through higher education, the collective rules that need to be adhered to must be laid down into a *code of institutional practice* that covers community and personal responsibilities if the university is to maintain both its

capacity to protest and its ability to contribute to social evolution.

Responsibilities should not only be seen against the backdrop of such explicit regulations but also in function of the place the university occupies in the community, both in terms of image and of its actual contribution to social change. The problem with academic malpractice is the *omertà* that pervades the institution suffering from personal or collective misconduct; such forced silence can only be broken if the matter of misbehaviour is exposed at a higher level than the simple exchange of personal services between various individuals, some using their position to impose a given trade-off for undeserved advantages. Misconduct, when observed at institutional or system level, takes another dimension by pointing out its indirect and damaging consequences for the university and those members who are not the immediate 'culprits'. For example, the broken reputation of the establishment touches everybody: honest students and well-meaning staff risk becoming *potential suspects* of faults committed by others.

Management of malpractices then uses *peer group pressure* to bar an individual from transgressing professional and behavioural boundaries. When this is not sufficient, as analysed above, and to allow for victims of misconduct – forced or willing – to come out without the fear of being ostracised, transparency must be supported by the use of appropriate tools in *counselling, conflict settlement* and *staff development*. In other words, the institution, as such, must *keep the future open* for all its members and groups, even if sanctions need to be taken for specific cases. The balancing act for university leaders consists in being *both severe and compassionate*: otherwise, the danger of codes being implemented to the letter may be *political*

correctness, a straitjacket for forced behaviour, itself a form of collective misconduct indeed. When *'whistle-blowing'* – that calls for the public recognition of misconduct – becomes an effective tool of steering, this type of management can turn counterproductive as soon as 'politically correct' institutional norms are accepted with no real understanding of their justification – simply to avoid denunciation or opinionated one-sidedness, which is a way not to stir apparently calm waters.

When institutional integrity is really damaged – for the sheer importance of the fraud or the size of the groups involved in the university, be they students or staff –, governance may have to rely on much more formal rules that need to be codified in various statutory documents, like the byelaws that define labour regulations, work contracts or the rules for promotion and for sanctions, as far as university personnel is concerned, and, as for students, those legal procedures that determine access, grants or examinations. *Institutional charters* can be drafted to bring under the same roof these many regulations and expose them openly to the discussion and approval of the whole university community. Such documents could have a higher weight still, if *cautioned by the institutional stakeholders*, the State (be it local, regional or national) or the private supporters of the university – all the more so when these external authorities can exert influences that might imply misbehaviour too. *Reference committees* made of the various partners – students included – should then be set up to consider cases and complaints of malpractice: indeed, the system taken as a whole needs arenas of discussion where sanctions and incitements to moral rectitude can be envisaged by the institutions and representatives of their surrounding environment from some distance. If a system of *ombudspersons* were needed, such interme-

diaries could refer to such committees to *ground their legitimacy* in a collective setting that can support 'disciplinary legislation' when needed.

If the central point of this essay is valid, however, sanctioning the guilty as persons is not enough since the institution and the system themselves can entice corruption. Therefore, the 'reference committees' should be able to provoke *institutional soul-searching* and, to do so, to call for outside monitors ready to propose a neutral view of the problems, willing to hold a mirror for the university to see as objectively as possible *where, when and how short-cuts have been taken* towards easy money, easy prestige or easy achievements that betrayed the fundamental role of higher education and research in the knowledge society, thus besmirching the universities' basic identity, to be institutions helping mankind to doubt its traditions and to risk innovation.

To prolong and pursue the discussion on academic misbehaviour, readers are invited to send suggestions on how universities can uncover, control and eradicate malpractice in higher education and research to the

Magna Charta Observatory
25 Via Zamboni
I – 40126 Bologna
e-mail: magnacharta@unibo.it   Fax: +39 051 2098710

since the Observatory, with ESIB, will continue reflecting and working on this topic.[17]

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[17] Thus, the September 2007 yearly event of the Magna Charta in Bologna will deal with the subject of academic malpractice and could take in the reactions to this essay and its different parts.

The Authors

BARBLAN Andris, Swiss national (1943), was edu-
cated in English and History in Lausanne and received a
PhD in political Science in Geneva in 1973. First youth
secretary for Europe and Asia of the Wold Council of
Churches (1968-71), he was Denis de Rougemont's
assistant at the *Centre européen de la culture* (Geneva)
(1973-1976) before becoming Secretary General of the
CRE, Association of European Universities (1976-2001)
and of its successor, EUA, the European University
Association (2001-2002). Since then, Secretary General
of the Magna Charta Observatory on University Funda-
mental Values and Rights, Bologna, he also consults the
Mario Boella Institute, Turin, on knowledge develop-
ment strategies in European cities.

DAXNER Michael, Austrian and German (1947),
graduated from U Vienna (Education, Philosophy Eng-
lish and American Literature) and received his PhD in
1972. His first assignment was in the Austrian ministry
of Higher education. He changed into Sociology and

Higher Education and focused on the history of science, exile and Jewish studies, and the reforms in higher education, both national and international. As a professor at the University of Osnabrück (Germany) he was also Dean of Education (1980-1986). He became President of the University Oldenburg, and served for two periods until 1998. During this period he was active in European and international higher education (CRE, IAUP, CoE). From 2000-2002 he was responsible for the ministry of Education and higher education in Kosovo under UNMIK. Thereafter he was counsellor for the Austrian Presidency at the EU and worked for the reconstruction of Afghan higher education. His recent focus is the culture of interventions in conflict areas. He is member of the Collegium of the Magna Charta since 2002.

IVOSEVIC Vanja, student of the University of Zagreb and member of ESIB executive committee in 2004, she became ESIB chair in 2005 at the time of the Ministers' meeting in Bergen, that monitored the progress of the Bologna Process.

The Sponsoring Organisations

ESIB, The National Unions of Students in Europe

As a development of WESIB, the *West European Student Information Bureau*, created in October 1982 by some seven student unions, ESIB is now the umbrella organisation of 50 national unions of students from 37 countries and through these members represent more than 10 million students. The aim of ESIB is to represent and promote the educational, social, economic and cultural interests of students at a European level towards all relevant bodies and in particular the European Union, Council of Europe and UNESCO. ESIB is a member of both the Bologna Follow-up Group and its Board, in the creation of a European Higher Education Area as of 2010.

Magna Charta Observatory

The Magna Charta Observatory of Fundamental University Values and Rights is a non-profit organisation

based in Bologna, founded by the University of Bologna and the European University Association (EUA) in 2001. The Magna Charta Observatory aims to gather information, express opinions and prepare documents relating to the respect for, and protection of, the fundamental university values and rights laid down in the Magna Charta Universitatum signed in Bologna in 1988 by 388 Rectors of the world's main universities.

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