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### 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

# The Management
# of University
# Integrity

*Proceedings of the Seminar*
*of the Magna Charta Observatory*
*19 September 2007*

Hossam Badrawi
Andris Barblan
Michael Daxner
Leta Finch
Koen Geven
Milica Popovic
Andras Sajo
Martina Vukasovic

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MAGNA CHARTA UNIVERSITATUM

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# Foreword

*Prof. Michael Daxner, President of the Collegium*
*Magna Charta Observatory, Bologna*

As the new President of the Collegium, I would like to open these proceedings with a word of thanks to my predecessor, Prof. Fabio Roversi-Monaco, the founder and soul of the Observatory since its beginning. It will be a pleasure for me to keep strong links with him, now that he has accepted to become the Honorary President of the Observatory. Continuity and change thus pervade the defence of the Magna Charta principles, a theme that will be at the centre of the 20th anniversary, in September 2008.

In 2007, it was decided to concentrate on one issue which concerns not only all groups inside the university but also society as a whole. *Integrity* was the focus of our activities this year.

Indeed, academic malpractice has been on the Observatory's agenda since 2005, as a joint effort with the European Students' Union – the organisation that also co-sponsored the present meeting. Thus, in 2006, the

Magna Charta and ESIB (the old name of ESU) published a *Statement of concern* about the dangers universities can run in terms of prestige and credibility when they fall into the trap of misconduct. This short paper was complemented a year later by an Essay entitled: *Academic Malpractice, Threats and Temptations*, a document drafted under the aegis of the two organisations. That theme, indeed, seemed important enough to have a whole conference dedicated to it. However, the Collegium felt that it was time to come back on these matters with a positive perspective.

Integrity is a quality and a value, which also indicates completeness, both in persons and institutions. The term also evokes wide integration – underlining the importance of the topic for defining the global scope of higher education; it reminds us that higher education is not merely a function of society, i.e., the tool for the reproduction of human beings as thoughtful and educated citizens; integrity, within the intellectual framework of higher education, also points to the ethical context for the use of knowledge and to the interaction of university work with academic morals.

The Observatory could have taken another strategy and drawn attention to malpractice and corruption as the main issues for the conference consideration. But then, there would not be much difference with some of the questions that are constantly on our mind, such as the normal status of academic life, or the ideal type of a university: academic soundness could be easily buried under the awareness and acceptance of how imperfect academic citizenship is – and always has been. It would be wrong, however, to neglect pointing to the standards of integrity, trust and ethical self-evidence, which make

the university a central player among institutions in society; integrity is a strict and multi-faceted standard worth achieving since it enables higher education staff and students to shape institutional policies in order to correct and prevent malpractice, thus helping constantly to restore what the public needs: trust; trust in the institution and the actors; trust in the training received by their children when they graduate; trust in the community of researchers and teachers; trust in the economic operations of entrepreneurial strategies; and trust in the meaningful intellectual efforts that go beyond the market and distinguish the university from any other training centre. Integrity is a construct of the critical mind that needs to nourish the idea of the university not only with idealistic visions, but also with pragmatic and liveable work proposals: if we hope to graduate personalities who are not split between expertise and moral capacity, the quest for integrity in the university – and coming from the university – is one viable approach.

To help participants navigate in these unsettled waters, a background paper was commissioned from Martina Vukasovic, former president of ESIB, now the head of the Centre for Educational Policy in Belgrade: she clearly differentiates the words used in the 'malpractice' domain and points to the many needs of integrity in higher education. Myself, I tried to articulate these themes in a more sociological vein after the keynote of Prof Sajo, from the Central European University and now a member of the European Court of Justice, a keynote centred on the ways universities and academics may flee away from their responsibilities vis-à-vis science and truth. In Bologna, the students organised a vivid discussion of their views on the topic – which is

reflected in the paper prepared by Milica Popovic, from Serbia, who chaired that debate. The way universities and academics may act to develop, reinforce or protect institutional health and academic integrity was also discussed by colleagues from countries further away from Europe: the USA (Dr. Leta Finch from Arthur J. Gallagher's Higher Education Practice, Vermont), Egypt (Prof. Hossam Badrawi, from Cairo University and chair of 'Academics against corruption'), and Colombia (Prof. Jeannette Velez Ramirez, from Rosario University, Bogota). This booklet ends on a student note, that of Koen Geven, the President of ESU. The conference showed how complex the search for integrity may be. This is no reason not to fight for it, in and outside the world of academia.

Highlights of the Work
of the Observatory in the last Academic Year

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

Launched officially in September 2001 – after pilot work and founding organisational activities begun in 1998, when the Association of European Universities and the University of Bologna decided to set it up –, the Magna Charta Observatory monitors how organisational action translates in universities the principles of the *Magna Charta Universitatum*, the document that another 21 higher education leaders are to sign this year, thus bringing to 573 the number of universities that have endorsed this 'constitution' of academic institutions around the world since 1988 and the 900th anniversary of the University of Bologna.

Over the years, the Observatory has developed in four directions:
- as a **think-tank** that takes stock of the debates on the obligations of institutional autonomy;
- as an **advisory body** intervening in national debates on the future of higher education;

- as a **centre monitoring** the balance of links between the universities and their stakeholders;
- as an **advocate** of university values and identity in society.

Last year in September the Observatory, as a ***think tank***, discussed *The politics of European University Identity* and the need for recognition and protection by society of the academic liberties that make universities unique institutions for the intellectual, scientific and cultural development of their community. The discussion had been prepared by a study commissioned from Anne Corbett, from the London School of Economics and Political Science, a document outlining the key moments of the European political debate on higher education since the end of World War II. How did academia become a central point of political debate, from the reconstruction of a conflict-ridden continent to the signing of the Bologna declaration, when governments and universities affirmed the need for convergent structures of learning – should Europe become a key actor of the knowledge society in the world? The question being important for both politicians and academics, last year's conference opened the Magna Charta to a potential partnership with the Parliamentary Assembly of the Council Europe that could help define and protect academic values at risk. Simultaneously, the Magna Charta continued debating the role of higher education institutions in shaping the future, this being done at an intensive seminar about the *changing university identity* organised at the invitation of the Mario Boella Institute in Turin. The last in a series of three first hosted in Reykjavik and Luxembourg in 2005 and 2006, this encounter focused on the academic needs of university stakeholders, be they industrial, po-

litical or regional partners. How do their expectations influence the shape and life of universities, in Europe and beyond? The combined results of the three meetings will be presented in an Essay to be used as background material for the 20th anniversary of the Magna Charta next year. Last March, another Essay was published by the Observatory, entitled *Academic Malpractice: Threats and Temptations*, a joint effort of the students unions of Europe (ESU) and of the Magna Charta, the two partners who also sponsor the present meeting here in Bologna. The booklet, after analysing the causes and development of behaviours undermining the credibility of academic institutions, wonders how universities can organise to ensure their long-term integrity, which is the theme of the September 2007 conference.

In its ***advisory function***, the Observatory answered last October an invitation from *Ukraine* – this time in Odessa following a first session in Donetsk a year earlier: the aim was to analyse *The paths of convergence on the way to a European Higher Education Area* by comparing the transformations required by the internationalisation of universities, both in Ukraine and in surrounding nations also involved in the Bologna process. Moreover, the Magna Charta alo kept its interest in the transformation of the legal and administrative structures of higher education in *Turkey*; thus, in December 2006, it organised in Istanbul two workshops on *finance* and on *quality*: these fields of interest represent key constraints that need to be taken into account when a country revisits its university system. With the support of the European Union, another two workshops – on *academic governance* and *social relevance* – had been planned to explore with political, economic and academic leaders

the possible new role of higher education in the Re-
public: they had to be postponed, however, because of
the political difficulties that led to early elections in the
country. In Corfu, too, last June, the *4th Summer School*
organised with the Greek authorities, allowed some ten
leaders of higher education in Albania, Bulgaria, Mac-
edonia, Romania, Turkey and Kazakhstan to compare
the main features of their institutions on the way to a
European compatibility of purpose and action – just af-
ter the Ministers' of Education had met in London to
take stock of the Bologna process evolution.

This year, when ***monitoring*** the links between the
universities and their stakeholders, the Observatory was
particularly interested in the Eastern Mediterranean
area, its attention being drawn especially on problems
of academic freedom and academic boycotts. How can
the Magna Charta, by offering common references, help
manage the tensions universities meet in their everyday
life – when they try to meet responsibilities that are not
always taken for granted by their partners in society?
These questions were also discussed with *Scholars at
Risk*, a US organisation that helps endangered academ-
ics around the world, when the association met in San
Francisco last April. Moreover, support has been given
to Afghan institutions of higher education in their at-
tempt to develop an academic culture opened on the
world at large; the President has been attending work-
shops on university changes in Kabul. Such an interest
in the conditions of university service in areas of po-
litical and civil reconstruction is also nurtured by work-
ing links with SPARK, the Dutch organisation active in
capacity-building, especially in former Yugoslavia.

This year, the ***advocacy*** function focused on develop-

ments in Central Asia. Since 2002, ten Kazakh universities have signed the Magna Charta and another three will do so this year. For this country, a member of the Community of Independent States but not a part of the European Higher Education Area, signing the Magna Charta is a way to assert its universities' belonging to a community of education institutions that spreads around the world, particularly in Europe. If the Magna Charta enshrines university fundamental values, its content may indeed have an interest for academics willing to reaffirm a shared identity – at national and international level. Thus, the Magna Charta became the prime source of inspiration for the Taraz Declaration that 57 Kazakh universities signed last May; this text enshrines shared references the national system of higher education can agree with in this very large country; secondly, it affirms common objectives with those universities around the world that have signed the Magna Charta itself. This national use of the charter – with the hope to extend its role to other parts of Central Asia – has been most welcome by the Observatory since it cascades the basic values and rights of universities to a region that would like to benefit from special links with the Bologna process and the European Higher Education Area; indeed, fundamental academic values have been tested in the 900 year history of European academia as summed up in the word 'Bologna'. Thus the Magna Charta expresses the commonality and universality of academic institutions pursuing similar intellectual and social aims. Its signatories, bound by compatible identities, form a *community of shared purpose*, worldwide.

Globalisation is not only a slogan everybody refers to, it is a reality shaping our times: the universities, with

their traditional opening to innovation and the unexpected, are key actors of a world without borders – climatic, environmental, scientific or intercultural; they reflect mankind's unique identity under the diversity of the many expressions that academia aims to transcend. That is also the message developed last year by the Magna Charta Observatory when it was asked to address academic meetings in Venezuela, Germany, France or the US. The Magna Charta, in 1988 already, was signed by more that 100 non – European universities. From then on, globalisation has been a trend for the Observatory. Hence the need to rethink the role and conditions for success of institutions called to support the development of a sustainable and peaceful knowledge society – throughout the world. As indicated last year already, this will be at the core of the 20th anniversary celebration of the Magna Charta – that is due to be held from 18 to 20 September 2008.

The Integrity of Higher Education
from Essence to Management

*Martina Vukasovic, Director*
*Centre for Education Policy, Belgrade*

*Preamble*

Early in 2007, the academic community in Serbia was
shaken with the news of the arrest of a dozen professors,
assistants and administrative staff of the Faculty of Law
of the University of Kragujevac. The news, however,
did not add too much to the already turbulent political
situation in Serbia (this happened in the immediate af-
termath of tense parliamentary elections).

Some who are knowledgeable about South East Eu-
rope (or the Western Balkans) and its higher education
systems would know that the existence of corruption as
such was no big news in this particular situation: what
was surprising was that someone was (finally) charged
and arrested on suspicion of corruption. Numerous sur-
veys about the perception of corruption in higher edu-
cation have been done since 2000 in the region, and all
of them have shown that a large majority of students

and many professors perceived the level of corruption to be quite high, especially in the fields of medicine, law and economic studies – that open on profitable professions. Students were, however, unmotivated to report cases of corruption (some probably in fear of prosecution) whereas professors and other academic staff were usually reluctant to discuss corruption in public. Or, if they were discussing it, a majority of them would state that immediate colleagues and they themselves were not corrupt, although 'others' were. Less than five times were charges against corruption brought against academic staff and none of them (as far as this author is aware) have had serious judicial or even academic consequences. The case of Kragujevac was the first instance in which precise charges were brought up and the accused detained. Some would say that even bigger news in the case of Kragujevac was that the first group of professors arrested also included a former deputy minister for higher education, a sort of proof that no one is untouchable.

The epilogue of these events is yet to be seen. However, in spite of the fact that, as the investigation unfolded, additional persons have been charged, it is interesting (to say the least) that only two (out of a total of around 20) were not from the University of Kragujevac. Other public universities in Serbia were virtually untouched by this investigation, although one could imagine that those already involved in corrupt activities there may have become more cautious. News about further arrests, which are taking place from time to time, has been gaining less and less attention from the media and the general public.

Unfortunately, indeed, these events did not stir a wider academic or social debate about the causes and consequences of corruption; that is the most important lesson from the case of Kragujevac. Although corruption in higher education as such has been debated for a long time in Serbia, it seems that arguments remain as superficial, ideological and political as they were in the beginning. Neither the governmental structures, nor the university authorities (except for one-time interventions by leaders of some individual faculties) have attempted to address methodically the issue of corruption in higher education, or to propose some systemic solutions to identify and prevent corruption at various levels. This is especially surprising given the fact that all these cases, even as mere perceptions of corruption in higher education, are seriously damaging the integrity of staff, institutions and the system as a whole.

Regrettably, the opportunity to open the discussion about the role of higher education in the Serbian society was not seized. The question of what is the integrity of higher education, its essence for institutions and staff was never asked. Consequently, the answer to the question '*How to manage the integrity of higher education'* is yet to be formulated in the case of Serbia.

## Introduction

When discussing sensitive issues in an international setting, it is of paramount importance to clarify at the very beginning the terminology to be used. This is necessary, not only because the discussion is taking place in a language foreign to most participants, but also because some notions bear specific cultural, disciplinary

or even political connotations which are seldom explicit
and which often make the understanding more difficult.
Therefore, this section will describe the main concepts
employed in this paper and try to make explicit the con-
notations mentioned above.

First of all, throughout this paper the author uses
'higher education institutions' instead of the usual term
'universities'. While acknowledging that many national
and international organisations and higher education in-
stitutions (the Magna Charta Observatory being one of
them) focus on universities alone, the author believes
that the changes taking place in many higher education
systems (massification and the diversification of pro-
vision) as well as the discussions between and within
different stakeholder groups testify to the fact that the
concept of 'university' is undergoing profound change[1].
It is this author's strong belief that the challenges fac-

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[1]  Some may argue that the notion of 'university' has been un-
dergoing change since its early beginning. However, the percep-
tion and discourse of some stakeholders, most notably members
of academic staff, seem to imply that a 'traditional university'
exists and that the foundations of this 'traditional university' are
being challenged by some of the processes outlined further in
the text. Perception and underlying meanings are crucial in any
discussion and this is the reason why one may argue that the con-
cept of 'university' is indeed undergoing profound changes, with
respect to something perceived to be a 'traditional university'.
The fact that there is little common understanding about the fea-
tures of this 'traditional university' is another matter that goes
beyond the scope of this paper. Scott (2004) provides a good
discussion of the changes taking place in and around universities
and furthermore offers powerful arguments in favour of a less
superficial and 'less judgmental' interpretation of the "apparent
… disinterest with regards to ethical issues in higher education"
(Scott, 2004:439).

ing higher education (as described below) as well as the problems in managing integrity are equally facing the institutions labelled as 'universities' and those often categorised as the 'non-university sector'.

Notions of 'corruption', 'fraud' and 'malpractice' are all related to illegitimate and often illegal practices in higher education. The paper will not dive into discussing the differences in meaning between these three concepts, primarily because all three oppose the central notion of this paper, that of 'integrity'. Standard definitions of integrity (see, for example, the Merriam-Webster dictionary) include:

- 'firm adherence to a code of especially moral or artistic values', synonymous with 'incorruptibility',
- 'an unimpaired condition', i.e. 'soundness' and
- 'the quality or state of being complete and undivided', which is synonymous with 'completeness'.

Hence, the dichotomous relation between integrity and corruption becomes even more evident. However, it is interesting to notice that, when it comes to the etymology of the word 'integrity' – from the Latin *integer* meaning 'entire', it is much more related to the third meaning, the one of 'completeness', or 'wholeness'. With respect to higher education, one could therefore argue that it would be difficult, if not impossible, to maintain integrity of an institution if the institution in question does not function as a whole (an issue relevant for all systems in which constitutive departments or faculties are independent legal entities in relation to the 'host' university).

In simple terms, an institution which is maintaining its integrity is an institution which is not suffering from, or is successfully fighting against, corruption, fraud and

malpractice. The *Bucharest Declaration*[2] from 2004 states that the key values of an academic community based on integrity are: honesty, trust, fairness, respect, responsibility and accountability. It also underlines that these values are *"not only significant in themselves, but they are also crucial for the delivery of effective teaching and quality research"*.

The levels of integrity are discussed in the *Statement of Concern* proposed by the Magna Charta Observatory Collegium and ESIB's Executive Committee:

> *"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." (Barblan, Daxner, Ivosevic, 2007:12)*

It should also be borne in mind that the questions of integrity are relevant for every aspect of academic life. In spite of the fact that administrative malpractice or departure from values of academic freedom and fundamental principles of scientific research may be more evident, integrity in the processes of teaching and learning, as well as consideration of ethical and moral standards in research activities are of equal (if not higher) impor-

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[2]  *The Bucharest Declaration concerning Ethical Values and Principles for Higher Education in the Europe Region* was adopted at the International Conference on Ethical and Moral Dimensions for Higher Education and Science in Europe, 2-5 September 2004, Bucharest, Romania. It is available from *Higher Education in Europe*, 29 (4), pp. 503-507.

tance. Furthermore, questions of integrity in the wider society (e.g. democracy, human rights, rule of law) are, by definition, essential for the constitutive part of that society – higher education.

This paper will base the discussions on how to manage integrity of higher education on both of these views and will, therefore, address the management of integrity on the individual, institutional and, adding an additional layer, systemic level.

Since both the *Bucharest Declaration* and the *Statement of Concern* state that integrity of higher education is being challenged by the changes taking place in higher education, it is worth to briefly outline, once again, the main challenges facing higher education.

### *The changing role of higher education in society*

Much has been written about the role of higher education in society. The debate is, naturally, often marked by ideology and political positions. Furthermore, a kind of nostalgia about the 'good old days of elite higher education' is sometimes echoed in many arguments. Often, the underlying assumption concerns the essence of 'traditional' higher education. This essence is often illustrated with the Humboldtian idea of the university (Shils and Roberts, 2004; Wittrock, 1993), i.e., the principles of free inquiry, detachedness from society and the nurturing of the 'life of mind', the idea being that critical thinking can be taught, and indeed is taught in 'traditional universities'.

In the attempt to take one step away from nostalgia, ideology and politics, several conceptualisations of the role of higher education may be of use. Manuel Cas-

tells (2001) claims that higher education serves four, often conflicting, purposes: formation and selection of dominant elites; formation and diffusion of ideology; generation of new knowledge; and the training of bureaucracy. These views are largely similar to those of Martin Trow (1970) who claims that higher education has two principal functions: an autonomous function focused on the 'internal' life of the academy (transmission of high culture; creation of new knowledge; the selection, formation and certification of elite groups) which is close to the stated essence of 'traditional university'; and a popular function reflected in the 'external' activities of higher education institutions (mass higher education and the transmission of knowledge to society)[3]. Both Trow's or Castell's conceptualisations of the role of higher education seem to be closest to the more common understanding of the role of higher education, i.e., teaching, research and service. However, it should be examined whether any of these descriptions of the role(s) of higher education are still adequate, given the changing environment higher education lives in.

Although different systems are faced with them in different times and to a different extent[4], higher edu-

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[3]  Burton Clark (1983) sees knowledge as the main building block of higher education. Therefore, he puts the concept of knowledge at the centre of four roles he distinguishes for higher education: the conservation and refinement of knowledge; the transmission of knowledge to others; the direct application of knowledge; and the discovery of new knowledge.

[4]  Globalisation as a specific challenge has not been mentioned on purpose. Part of the usual 'globalisation' discourse is addressed by discussing ICT and the changes this brings to higher education. Most of the other effects commonly attributed to glo-

cation around the world has been facing a variety of challenges (Barblan, Daxner, Ivosevic 2007; Eckstein, 2003):

– *continuing massification* of higher education. Most systems of developed or countries in transition can already be classified as 'mass higher education systems' in terms of Trow's classification (Trow, 1970); the developing countries are following suit;

– massification of higher education is related to the *decrease in the public funds* available for higher education and the consequential *diversification of sources for the funds* that higher education institutions are forced to tap into in order to maintain their operations. The 'new' sources of funds more often than not include students and their parents, and various models of cost-sharing have been developed around the world, with different success in addressing the issue of *equity in higher education*;

– continuing *diversification of higher education provision*, which is also affecting the organisation and typology of higher education systems, as well as the characteristics of institutions bearing the name 'university' (Kyvik, 2004);

– increasing *internationalisation* of higher education, nowadays often illustrated by student and staff

balisation, as far as this author is concerned, can very well be explained through the internationalisation or regionalisation of higher education, the emergence of supranational governance structures and processes in higher education (e.g. the Bologna Process) or through trade in higher education services, which nevertheless still takes place under the watch of the respective national governments.

mobility, courses in widely spoken languages etc. However, if one agrees with Scott (1998), higher education has been internationalised since its very beginnings, especially if one connects this international character with the mobility of students or staff (the medieval idea of a 'wandering scholar') and the cross-national cooperation in research. What may be considered new in this context is the *growth of trade in higher education* to an extent that it constitutes the second largest export item in some countries (e.g. Australia);

– trade in higher education brought in the notions of *marketisation and commercialisation of higher education*, thus adding a new dimension to the role of higher education – that of strengthening the competitiveness of the economy and society as such, as suggested by the EU Lisbon Strategy. This is especially evident to those who suggest that the shift from Mode 1 to Mode 2 research (Gibbons et al., 1995) is indeed taking place, and that we are entering (or have entered) the era of the so-called 'academic capitalism' (Slaughter and Leslie, 1997);

– the ever-changing possibilities brought by the continuous *development of ICT*. This is not limited to the different modes of delivery of higher education study programmes only or to the facilitated cooperation in cross-national or even cross-continental research projects, but also to the opportunities and threats stemming from the use of ICT in administrative purposes.

If the role and way of operation of higher education is changing, this means that the processes and structures

related to higher education are changing as well. Therefore, the previous systems ensuring the integrity of higher education, however implicit they may have been, need to be reformed and possibly made more explicit.

*Integrity, quality and accountability*

These days, in the final stages of the Bologna Process (at least with the 2010 deadline in mind) or in the midst of diverse higher education reforms within countries in Europe, 'integrity' does not seem to be *the* buzzword. Rather, another concept seems to have taken the spotlight (and does not look like to having any intention to leave it): the concept of 'quality'. The European Quality Registry is on the way; countries are introducing or changing their national quality assurance procedures and standards to fit the Bologna recommendations regarding quality; higher education institutions are undergoing accreditation (e.g. Serbia) or research assessment exercises (e.g. UK); student participation in quality assurance seems to have become a standard (at least on paper), etc. Yet, as many higher education researchers or practitioners have noticed (van Vught, 1996:187), there is no widely accepted definition of quality. Harvey and Green (1993) offer 5 different perspectives on quality. They state that quality can be seen as:

   – *excellence*, often illustrated by the pressure to establish or be recognised as a 'centre of excellence' – primarily in terms of research or technology transfer;
   – *standards*, meaning that higher education systems, institutions and individual members are supposed to meet prescribed institutional, national or even

    international quality standards. A further point of view is that performance of higher education in its various tasks can be measured: thus, several sets of indicators have been developed (most notably at EU level) to indicate poor or good performance;

– *relevance,* embodied in the pressure on higher education institutions to contribute to regional economic and social development; to facilitate technology transfer and make it more efficient; or to apply the new requirements in national research funding;

– *cost-effectiveness,* illustrated in the demands to establish internal mechanisms ensuring the proper and effective use of scarce resources, or in the shift towards output funding systems;

– *transformation*, where the adaptability of the institution to external demands and pressures, as well as the capacity of the institution to influence 'the outside world', are said to bear proof of quality.

What is, then, the relationship between quality and integrity? Taking the five perspectives of Harvey and Green (1993), one may say that, for example, without the maintenance of integrity of research activities, there can be no true excellence in terms of research results. Furthermore, it proves impossible to speak of meeting defined quality standards in higher education – unless it is certain that no malpractice took place on the road to meeting such standards. Cost-effectiveness naturally implies the legal and transparent use of resources; therefore, it is impossible to speak of a cost-effective institution if there is any suspicion of corruption. Quality as relevance and quality as transformation are not so easily attached to the concept of integrity. However, one

may argue that one facet of integrity of higher education institutions is to strike a right balance between being 'ivory towers' entirely detached from society[5] and being institutions so submerged in every day life as to render impossible any critical analysis of society as a whole. When it comes to transformation, it could be said that it is crucial for any higher education institution or system to continue transforming itself without jeopardising its own integrity. In summary, integrity may be understood as one of the key ingredients of quality.

'Accountability' is yet another concept frequent in policy documents, debates and national reform plans. Higher education institutions are seen to be (or should be) accountable to society as a whole, government in particular, to their students and other beneficiaries of their services. One might say that accountability has reached the front stage of higher education debates as some sort of by-product of discussions held about the question of (institutional) autonomy. If institutions should be (more) autonomous, which is favoured by both the governments (in democratic countries) and higher education institutions, although for different reasons – then institutions should also become (more) accountable. As an induction to do so, institutions are subjected to various forms of external quality reviews and audits and/or are developing internal quality assurance systems of their own. The Bucharest declaration (2004) speaks indeed of accountability as one of the key values of an 'academic community of integrity' (see above, introductory section).

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[5]  Ivory towers may have high integrity in their own right but have no use for the society in function of which integrity should be defined.

If, however, one takes a more individual point of view and attempts to analyse what constitutes individual integrity in higher education, one soon encounters, amongst other, the idea of academic freedom. The Magna Charta states:

> *"… Freedom in research and training is the fundamental principle of university life, and governments and universities, each as far as in them lies, must ensure respect for this fundamental requirement. … "(Magna Charta Universitatum, 1988)*

Unless the freedom to pursue research, *"morally and intellectually independent of all political authority and economic power"* (Magna Charta Universitatum, 1998), is granted to individuals (and consequently to their respective institutions), it is impossible to ensure the integrity of research as such, or the validity and reliability of research results. Furthermore, quality of research is also measured through its validity and reliability and, thus, its integrity.

Before concluding this section, it may be useful to discuss briefly if there are, or should be, any differences between various academic disciplines (or fields of study) with respect to their understanding of integrity, quality and accountability. Burton Clark, in his classical work *The higher education system: academic organisation in cross-national perspective* (1983), states that, since knowledge is the main material of higher education, its production and refinement can differ greatly from one field of study to another; indeed, all other aspects of higher education will then be significantly affected by such disciplinary differences. Yet, Clark also states that higher education institutions keep integrating

(note the similarity with the concept of 'integrity') in various ways, primarily through their system of values and beliefs, i.e., their culture. He identified four different cultures intertwined in higher education:
- the culture of the subject (discipline, field of study),
- the culture of the enterprise, i.e. the institution
- the culture of the profession (being a teacher, a researcher or increasingly an administrator) and
- the culture of the system.

Integrity is grounded in all four cultures, although with different roots in each of them. It seems that the differences between disciplines are primarily limited to questions about the integrity of research, or rather its ethics. As knowledge fields develop, these questions become more and more technical (as suggested by Scott, 2004). While inevitably there are differences in disciplinary cultures, it is the cultures of the enterprise, profession and system that facilitate integration and that include commonalities with respect to integrity. The bulk of integrity questions, although they might not be explicitly discussed within the academic profession, the higher education institution, or the system, are more substantial than those addressed within separate disciplines or fields of study.

## Structures, policies and culture

In the previous section, four different cultures relevant for higher education have been indicated. However, the concept of culture is rarely the first one that comes to mind in connection to issues of corruption, malpractice or fraud. What is most often mentioned are the neces-

sary structures and policies that need to be implemented at various levels in a higher education system so that any activity that may damage the integrity of higher education may be identified and/or prevented.

This section will offer a systemic analysis of how integrity can be maintained and managed at different levels of a higher education system, and will put forward some rough sketches of possible structures, policies and cultures that could prove relevant at these different levels. Furthermore, reflecting the survey organised by the Magna Charta Observatory on these issues, this section will address both the structures and policies of mistrust and the structures and policies of trust.

However, it would be important to comment briefly on the relationship between structure and culture. The Bucharest Declaration (2004), states that *"the Bologna Process is leading to far-reaching changes in the structure (and, in the longer term, the culture) of European higher education"*. This seems to imply that changes in the structures will lead to changes in the culture, although one could ask the question whether it is necessary to have some changes in the culture(s) in higher education in order to have the support from various stakeholders to change the structures. Nevertheless, it may be sufficient to state that resolving this 'chicken and egg' dilemma is not of paramount importance. Yet, what is necessary to acknowledge is that previous cultures do not really disappear from higher education and that change in higher education is seldom the change from A to B, but rather a change from A to A' through some additions. As Musselin (2005) noted (similar to Clark in 1983), change in higher education is slow and

incremental, and is more about layering and adding to the existing cultures than root-and-branch transformation.

## SYSTEM LEVEL

At system level, higher education legislation offers an overarching regulatory framework that relates to the issue of integrity of higher education. Indeed, most legislative texts include a disciplinary section defining (gross) misconduct and outlining the procedures that should be followed should misconduct be proven. Other legislations that relate to work conditions, public service and criminal law may be applicable to some cases of academic malpractice. Moreover, public institutions of higher education are often subjected to specific accounting audits. All this can be roughly categorised as structures and policies of 'mistrust' on the system level.

When it comes to structures and policies of 'trust', these may include specific legislative regulations outlining minimum common requirements with respect to the governance of higher education institutions; to overall quality assurance standards and procedures; or to recommendations (if there are any) concerning accountability within, primarily public, higher education institutions. A specific activity within national quality assurance systems is the accreditation of institutions and programmes: this often includes assessment of the institutions' governance structures or methods of assessing student success during study programmes. Accreditation is about checking if an institution (or a programme) fulfils a set of minimum requirements; usually it does not involve minute controls of every aspect of academic

life. Rather, it is based on the belief (hence, trust) that, if some governance mechanisms are put in place, academic activities, and thus the integrity of higher education, are most likely to be found legal and legitimate.

As was already mentioned, Clark (1983) claims that higher education systems also exhibit a form of system level culture. It often reflects national traditions in higher education; so, for example, one could speak of a prevailing 'research oriented culture' in the case of Germany, of a 'general education culture' for the USA or of a 'specialisation training culture' as far as France is concerned (please note that this is Clark's standpoint in 1983). Regardless of the pervasive culture (or, more recently, of the diffusion and influence of other cultures), system level cultures are largely moulded by the members of the academic community, who thus build into it elements of their own disciplinary and professional cultures. However, system level cultures are also affected by the general conditions of society: in cases where corruption is widespread in the public sector[6], higher education is therefore likely to suffer from corruption as well.

INSTITUTIONAL LEVEL

Institutions themselves often have their own disciplinary codes to regulate procedures in case of malpractice and fraud within their walls. Some institutions pay greater attention to possible malpractices coming from the learners and develop specific disciplinary codes for

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[6]   Analysis of the causes and consequences of such corruption goes beyond the scope of this paper, but the reader is advised to check Eckstein (2003) or Hallak and Poisson (2007).

students – as is the case in Serbia. The so-called 'courts of honour' represent another example: they focus on malpractice among academic staff, often in relation to the respect due to human rights and democratic principles. Usually, they have been established in the early years of democratisation in a given country and often represent part of a wider 'movement of lustration' for the proponents of previous but undemocratic regimes. In parallel to the system level, higher education institutions also have (or should have) their own internal quality assurance mechanisms and governance structures that (should) enable transparency and accountability.

The institutional culture that Clark (1983) refers to is primarily an organisational culture. He claims that it is stronger and more prominent in older and smaller institutions, in which specific organisational sections are more interdependent and have faced some hardship or competition from other higher education institutions. Organisational structure is thus, through institutional culture, connected to the specific academic community – with its shared beliefs and values. These beliefs relate to the self-image and reputation of the institution as a whole. Therefore, the stronger the organisational culture, the more attentive the institution will be to issues of integrity, since they are essential to maintain and improve reputation. It should be noted, however, that various subcultures exist within one institutional culture and that different stakeholders within the institution (academic staff – administrative staff – students) may sometimes have conflicting values and beliefs that may lead to real disputes. Nevertheless, it is in the best interest of all the three groups that the reputation, hence the integrity, of the institution as a whole remains undamaged.

INDIVIDUAL LEVEL

When moving to the level of individual members in the academic community (student or staff, academic or administrative), we can speak primarily of the cultures or behaviours that are shared by these individuals, since structures and policies belong to the higher levels (institutional or system).

As Clark (1983) mentions, in the case of individual academics, the culture of the discipline (or the field of study) is probably the strongest among possible allegiances since it is closely linked to the main building block of higher education – knowledge. Disciplines and fields of study are marked by distinctive intellectual tasks and many of them (except maybe for younger areas of interest, not yet widely accepted as legitimate fields of study) have developed their own codes of conduct. Furthermore, they are likely to share beliefs regarding the theory, research methodology, the teaching methods and standards that they often express with vocabulary of their own. These are the pillars that maintain the integrity of a specific discipline or field, thus making sure that quality is maintained – especially with respect to research. Clark also postulates that the more established and robust the discipline is, the stronger these cultures are.

Academic staff have also their distinctive professional culture and it can be said that higher education administration has become a profession of its own – with its disparate professional culture. The culture of the academic profession is grounded in various ideas, such as personal academic freedom (to allow for teaching and research), and in concepts of collegial self-government.

The basic norms of the profession are those of science (Merton, 1957; quoted in Clark, 1983): disinterestedness, universalism, organised scepticism and communality. Demands for objectivity and antiplagiarism are also very important and, together with impartiality, they contribute to the integrity of the academic profession as such, and thus to the integrity of higher education as a whole. As far as the administrative staff is concerned, their own culture largely reflects the culture of the bureaucratic profession and therefore may exhibit values such as transparency, accountability and efficiency. Two of these, transparency and accountability, have already been mentioned as key ingredients of integrity.

**The Management of integrity**

In an attempt to provide background material for its 2007 conference, the Magna Charta Observatory sent a questionnaire to some 1200 institutions, half of them being signatories of the Magna Charta Universitatum, asking them to identify:

- structures and policies of mistrust, i.e. those intended *"to uncover, control and eradicate malpractice in higher education"*, and
- structures and policies of trust, i.e. those intended to build a *"transparent, coherent and cohesive institution"*.

Despite a pressing reminder sent to all, only two institutions replied. Dwelling on the issue of such a 'no-show' would not be particularly useful at this point – although 'no response' might indicate that very few institutions have in place explicit structures and policies of so-called trust or mistrust. It could also be a consequence

of the usual stand according to which it is 'always the others who are corrupt, not us'; or of the perception that managing higher education integrity is not a priority. It could also be due to the fact that issues of integrity are often masked by wider issues – such as assuring the quality of higher education – and, therefore, it was difficult for those asked to complete the survey to separate the two concepts.

This section, therefore, will outline some examples of structures and policies of trust and mistrust that are found in the literature or come from organisations dealing with issues of corruption, fraud and malpractice.

UNCOVERING, CONTROLLING AND ERADICATING MALPRACTICE

*Transparency International*[7] is a well-known international network dealing with corruption. It regularly reports rankings based on corruption indices. It has suggested the development of an international ranking specifically for academic fraud (Eckstein, 2003) in order to put corruption in higher education, in particular – and also education in general – under a stronger spotlight. There are however, other forms of uncovering corruption. The *Higher Education Corruption Monitor*, organised by the Boston College Centre for International Higher Education (CIHE)[8] offers news excerpts, academic articles and an annotated bibliography related to corruption in higher education. Even though CIHE states that it does not guarantee the accuracy of

[7]  http://www.transparency.org/ (page accessed 14 August 2007)
[8]  http://www.bc.edu/bc_org/avp/soe/cihe/hecm/ (page accessed 20 July 2007)

those news, it is interesting to see that reports of fraud, malpractice and corruption are not concentrated only in developing countries, stricken with poverty, and undeveloped (or under-developed) public systems, primarily the judiciary and police. Numerous news stabs testify to the (perception of) corruption in places such as Australia, Canada, UK or the United States. CIHE also offers links to other centres or organisations dealing with corruption in higher education, where some examples of (good) practice in controlling and eradicating corruption and fraud in higher education may be found. An interesting example of this is the document prepared by HEFCE (Higher Education Funding Council for England) in 1999[9] where specific guidelines for the prevention, detection and investigation of academic fraud are presented. Most of these are related to financial and commercial fraud, but they are nevertheless useful for analysing the procedures used in situations of fraud, prevention mechanisms and the relationship between various actors in the matter (higher education authorities, police, judiciary system, financial auditors etc.). It also recommends the screening and rotation of staff working in 'vulnerable areas', as well as the periodical evaluation and restatement of various policies and codes of conduct. IIEP at UNESCO and their section dealing with corruption in higher education also put an emphasis on public accountancy procedures for which they developed several tools (although primarily for general education), which should facilitate the transparent use of financial resources in education.

[9]   http://www.hefce.ac.uk/Pubs/hefce/1999/99_65.htm    (page accessed 14 August 2007)

BUILDING A TRANSPARENT, COHESIVE AND COHERENT INSTITUTION

While uncovering, controlling and eradicating corruption, one needs to assess to what extent such malpractices are damaging the core of higher education institutions and their various constitutive cultures. Policies and structures of mistrust may be sufficient for the ongoing identification and prosecution of the perpetrators. Some even believe that such policies and structures need to be re-examined and reformed on a continuous basis, thus disabling the staff and students, who may be inclined to commit fraud, to 'learn how to trick the system'. However, they may be insufficient to radically deter staff and students from malpractice. A different long-term approach, focused on developing, maintaining or re-establishing the integrity of the institution is necessary in order ensure that, next to structures and policies, a culture of integrity will stand as well. In other words, as in his final chapter Eckstein (2003:79) states:

> *"Two approaches are common in dealing with any kind of misconduct: the punitive and the pedagogical. In addressing the latter as both an immediate and a long term strategy, attention needs to be given to strengthening, and if need be, to restoring, a culture of integrity. This has long been the goal of philosophers at least since the assertion of virtue in classical times. As John Locke wrote concerning education: 'Virtue is harder to be got than knowledge of the world; and, if lost in a young man, is seldom recovered.' Nothing has greater importance or potential than early and continuing educational effort.*
>
> *Finally, moving from a culture of 'success by any means' to a culture of integrity requires concerted efforts to combat a number of growing threats to the*

*quality of society. It calls for a program of public re-education in all sectors of activity, involving not merely regulation and punishment but a social program that would heighten public awareness of the effects of fraud and corruption. But, as a basis for such a broader and long-term programme, action on the pedagogical front is imperative in order to eliminate some of the causes of academic fraud. This includes early and continued education in ethical behaviour, reduction of excessive pressure upon students and teachers to meet performance standards, replacement of exclusive, single measures of meeting these by varied and multiple criteria, as well as sharpening awareness of academic fraud."*

It would be difficult to achieve high levels of integrity in higher education if this is not the case in previous stages in education and if specific ethical considerations are not built into both the teaching and research activities. Various debates regarding the competences required from a higher education graduate, who is also a potential scholar or higher education administrator (e.g. the 'Tuning project'[10]), underscore that it is essential to include the consideration of ethical (and environmental) values in higher education curricula. In some cases this can and should be taught as a separate subject, while in other cases it is possible to include ethical issues into already existing subjects. When it comes to the recruitment of new (young) staff members, it is essential to investigate their background in ethical terms and also to introduce them properly to any specific codes of conduct, values and beliefs the institution may have. A

[10]   http://www.tuning.unideusto.org/tuningeu/ (page accessed 14 August 2007)

'culture of integrity' (as Eckstein named it) cannot be developed and maintained with a top-down approach. It is to be grown from the grass-roots and, therefore, each individual within an institution that desires to be 'open and transparent' needs to know, share and respect a set of common values and beliefs.

GOVERNANCE: STRUCTURES AND CULTURE

Purposefully avoiding the debate on how we can define governance, and what this implies for higher education (for fear of falling into minute terminological and disciplinary debates), let us consider two brief and generic recommendations for good governance. Weber (2006) offers six tools for achieving good governance: development and implementation of a strategic plan, development and implementation of a financial plan, development and maintaining of a culture of quality, formulation of a set of core indicators (and measuring performance through them), analytical accounting procedures and reliable and transparent communication channels. Kohler (2004) is somewhat less prescriptive and states that good governance depends on good leadership, good balance between collective and individual interests and various regulatory texts, including institutional codes of good practice.

Whether we decide to start from Weber's more detailed or Kohler's more general recommendations, it is evident, yet again, that the issue of integrity of higher education cannot be discussed separately from (a) quality of higher education and (b) higher education governance.

**Suggestions for further debate and action**

One of the goals of the Magna Charta's 2007 conference is to organise the debate whether or not some sort of subsidiary document to the Magna Charta Universitatum is necessary to properly address issues and problems of managing integrity of higher education.

Given the lack of coordination of various efforts related to corruption in higher education, the potential threats for integrity of higher education if corruption is not properly dealt with, as well as the possible explanations of the limited responses to the Magna Charta survey, such a document would indeed be necessary, since it might make this issue more visible.

The document should reflect the diversity of higher education activities: teaching, research and service, and adequately address the questions of integrity in every major aspect of academic life. An effort to clarify and identify various forms of malpractice should be built into the document as well as the formulation of good practices (possibly on the basis of existing, individual recommendations) in terms of policies, structures and the cultures that focus on maintaining (or strengthening) the integrity of higher education. Following the suggestions from Eckstein (2003), this document should address both the punitive and the pedagogical ways of ensuring integrity of higher education. The roles of different stakeholders (primarily students, academic and administrative staff) in strengthening or weakening integrity should be addressed. Furthermore, specific issues, such as income generation (especially in times of decreasing public funds and commercial research fund-

ing), new modes of knowledge production and more complex relations to various social partners should be addressed. Finally, even though such a document will be targeting mainly institutions of higher education, some recommendations concerning the system or international authorities could be included as well.

At the end, apart from a possible subsidiary document to the Magna Charta Universitatum, a network of various international organisations dealing with higher education and/or corruption in higher education should be established. Initiatives and efforts of individual entities must be combined if adequate response to challenges facing higher education (and the threats to higher education integrity stemming from these challenges) is to be achieved.

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# Academic Malpractice: European Higher Education at Risk

*Prof. Andras Sajo*
*Central European University, Budapest*

Putting 'risk' into a title is quite risky. It looks like one of those boring doomsday attention catchers. Everybody loves to talk about crisis when there is no parking at the university.

I mean risk in the technical and social sense of the word. All activities involve risk, and we have some knowledge about risk perception and risk management as well as about the social constraints of risk management. These considerations should ring a bell in the context of current changes in the higher education sphere: malpractice in higher education is a risk, indeed, and we should deal with it accordingly.

Mass public higher education and the increased commercialisation of research and education create risks for university activities and products. By 'product' I mean scientific output, a well as students with knowledge and skills – and perhaps with social responsibility. Risk management studies make it clear that risk definitions

and resulting perceptions depend on how you define the object that is at risk. This is exactly the issue in higher education. Which are the core values at risk? The answer depends on one's own assumptions about the university as a producer and distributor of knowledge. Are we concerned about the Humboldtian values of *Bildung*? Or are we believers in Newman?[1] Has the public university the duty to produce capable civil servants or is it a loosely organised factory that imitates the rationality of those big industrial organisations that face efficiency problems of mass production? Is it rather an entity driven by private business interests in research and development? Do we expect the universities to become the ultimate producers in the knowledge economy, the engines of economic development? This last mission is the primary expectation now reflected in the Bologna process and in so many statements of the European Union.

Each approach, however, considers a different product and a related production process with its own dangers. Given that higher education in Europe is in transition and that its actors have different visions of its role, risk prevention should then meet these conflicting expectations: in fact, such a conflict among various visions becomes a risk in itself! A development intended to minimise risk and, from one perspective, to assure quality turns into the very risk – if not damage – that is to be avoided from another perspective.

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[1]  For a summary of conflicting views regarding university values in the context of academic malpractice see Andris Barblan, Michael Daxner, Vanja Ivosevic, *Academic Malpractice: Threats and Temptations*, Bononia University Press. 2007.

As so often, it is hard to figure out what is 'real' in reality. Irrespective of our beliefs, we would be better off admitting, as Craig Calhoun recently did, that the existence of much bigger universities, 'together with an increasingly complex regulatory environment, ... meant that running universities became more of a management challenge, and the management issues faced were less closely linked to the intellectual and educational projects of arts and science faculty.'[2]

Accepting Calhoun's factual statement, my concern is that commercialisation – and the managerial organisation of universities it induces – may result in forms of knowledge production that increase the likelihood of academic malpractice. And malpractices undermine the quality of the higher education output. The danger is that the quality of the knowledge generated in higher education (both in terms of scholarship and morally responsible educated brains) may be undermined. As a consequence, it is the *credibility* of the university as a place of learning and research that is at risk.

Of course, the commercialisation process in higher education may have other effects, many of them being considered beneficial or inevitable. But credibility, a key for institutional repute, represents a core difficulty for universities since it is fundamental to build the social trust that enables academic institutions and the whole higher education system to operate along the lines we know. It is credibility that socially sustains the universities as relatively autonomous entities, an organisational form that is based on academic freedom irrespective of

[2]   Craig Calhoun, 'Is the University in Crisis?' in *Society* 2006. May/June. p. 11.

ownership. Once credibility disappears, there is no reason for the institution to insist on the academic freedom that was cherished mainly as its source of credibility. In that case, the university – even at normative level – could turn into a simple workplace. And this could represent a logical step on the road to factual awareness since commercialisation and the administrative reform of higher education are already pointing that way. University restructuring, because of commercialisation, may generate academic malpractice. The more obvious such malpractices become, the less credible is the institution's academic freedom. Once the process (brought by malpractice in particular) undermines university credibility, the consequences are predictable: universities will become some kind of factories characterised by limited demand for creativity and a lack of proper mechanisms for the monitoring of performance.

Credibility is based on the manifest integrity of the institution and its constituent elements. Currently there are two troubling and visible phenomena which particularly undermine such integrity. The first is outright *corruption* (bribery and nepotism); the second is *plagiarism* (i.e., intellectual cheating) in the broad sense of lack of originality.

The two phenomena are often related although basically distinct. Corruption-related malpractices fit into the existing patterns of misbehaviour that may prevail in the public sector, while plagiarism represents a structural problem of the higher education sector itself, even if cheating can be very widespread at other levels of education. In higher education, plagiarism reflects mismatches between commercialisation, new management in higher education and the traditional collegial forms

of academic life organisation that still rely on academic freedom. Academic cheating, when it undermines and distorts both academia and higher education performance, differs from corruption and is a problem built in the new forms of organisation of higher education production. Corruption in higher education may be the source of social injustice (with seriously negative impacts on the credibility and efficiency of universities); as for plagiarism, as a type of misconduct, it undermines the credibility of higher education directly.

Legal and analytical reasons support such a distinction between corruption and other forms of integrity violations, in particular academic cheating or plagiarism. In fact, consequences differ depending on what is criminalised, what is subject to disciplinary penalties or what is simply reprehensible (primarily when the sanction consists in the loss of reputation). From a policy perspective, one should distinguish corruption from cheating. Corruption as a crime consists in the breach of public trust for private benefit by an office holder whereas, in the case of cheating (or the crime of fraud), the malefactor is the only one who profits from an illegal action the victims of which are indirect. I am afraid, indeed, that academic cheating is probably the most common misdemeanour in academia around the world. In Europe, where most academic staff has some kind of civil status, this type of unlawful behaviour is also affected by the perpetrator's official position – whose obligations cannot be wiped away under the pretext of institutional autonomy or academic freedom.

*I.   Transitory or permanent corruption in higher education*

Most people and many scholars tend to understand corruption as the misuse of public office for private gain. The mismanagement of public affairs for personal gain relies on many techniques. Corruption, in particular, is a prominent source of mismanagement of public resources. Beyond bribery, public mismanagement may also result from corrupt structures, allowing for instance special interests and favouritism to prevail without any identifiable 'exchange of services'. Patronage and nepotism are particularly important forms of favouritism: here the *quid pro quo* is not easily defined either; in a clientele structure, for instance, a whole network may benefit from the mismanagement of resources.

Corruption in higher education is partly a problem inherent to the organisation of social service provisions in public bureaucracies. In this regard it reflects the behavioural problems of public bureaucrats as they interact with the environment. Customary corruption problems in public bureaucracies are aggravated when, in a socio-political transition period, there is increased demand for administrative services that, under specific conditions, may develop away from adequate self-control, thus becoming part of the corruption system. Unfortunately, the structural specificities of universities do not offer guarantees against the presence and spreading of corruption, in particular because academic freedom, when turned into a principle of organisation, works against efficient monitoring.

As for bureaucratic corruption, Bettina Meier (although referring primarily to developing countries)

draws attention to its spread *at policy and central management (ministerial) level*.

> 'Corruption afflicts the allocation of resources to the education budget, leaving the sector under-resourced. Research has shown a propensity by decision-makers to prefer hard investments (… large construction projects) instead of soft investments (the daily running costs for schools, for instance), because the former are more easily corrupted... *At central ministry level . . .* funds for educational institutions can be siphoned off by corrupt administrators, public officials and politicians – even before they reach the schools.'[3]

At the local (university) level, corruption very much resembles that prevailing in public bureaucracies[4]: after all universities are important units of consumption of durables and other goods. Like for other public services (from defence to municipal waste management), transactions occur in the market place and thus create specific opportunities for corruption.[5] Procurement of goods and services in the public sector is traditionally vulnerable to corruption indeed, partly because the traditional mechanisms for motivation and supervision

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[3]   Bettina Meier, *Corruption in the Education Sector: An Introduction*. Christian Michelsen Institute, July 2004. p. 3.

[4]    The phenomenon exists in private universities too, as these are also large bureaucracies.

[5]   For a theory of opportunity-driven corruption see András Sajó, 'From Corruption to Extortion: Conceptualization of Post Communist Corruption', 40(2-3) in *Crime, Law and Social Change,* (October 2003) 171-194; *Political Corruption in Transition*, (Ed. András Sajó & Stephen Kotkin), Budapest, New York: CEU Press (2002)

existing even in big corporations (like ownership and managerial interests for instance) are absent in large, non-transparent bureaucratic organisations.

Needless to say, corruption at the level of university management – when it relates to procurement and other forms of acquisition or to the management of public goods – has a considerable impact on academic organisation as a whole. This is not limited to morality but affects actual university activities: teaching conditions may deteriorate because of asset stripping, thus reducing knowledge production, for instance. There could be fewer books available in the library, or the materials to be used in experiments could be constrained by the procurement officer. However, I consider that the most important influences for misbehaviour do not originate from civil service corruption in university bureaucracy; rather, they result from the commercialisation of research and its dependence on industry. Indeed, academic malpractice emerges mainly in the context of a changing, commercialised university that relies on structural malpractices that belittle traditional *quid pro quo* bartering of illegal services.

The forms of corruption most often perceived in contemporary higher education are grounded, however, in *transition phenomena*. The university misdeeds that capture public interest result from the increased demand for education in conditions of scarcity, a situation now aggravated by the governmental monopoly over higher education, and by various political concerns about 'free' education. As a result, there is a surge in bribes for university admissions, grades and degrees. These factors have played a considerable corrupting role in post-communist higher education and in developing countries. In

such contexts, indeed, corruption has been generated by shortages and it represents a standard reaction to existing disequilibria between demand and supply.

Market distortions reflect worldwide increases in the demand for university education, a phenomenon often reinforced by the demographic changes that temporarily overburden higher education – for instance, the increase in the absolute number of potential university students due to large age cohorts in developing countries; on the other hand, the lack of public resources to meet demand for higher education has often been made worse by obstacles raised by government against the use for that sector of extra resources drawn from private contribution. Public policies often insist on retaining the state monopoly for higher education, considered as a free and public service, while they do not encourage investing sufficient amounts of public resources into the system of higher education in order to meet so ambitious a goal.

The lack of resources does not only increase the pressure to have students buy their way into higher education but also reinforces staff willingness to be bribed – or even to extort bribes – since those civil servants working in academia usually tend to be underpaid. Moreover, considering the increased demand reflected by growing student numbers, the quality of research and teaching also suffers. The transition to market solutions often worsens the situation since new private universities tend to prove sub-standard, especially when they draw on resources from more established universities – in terms of academic personnel for instance – thus offering within their walls minimal teaching services only.

Understandably, in the public eye, such forms of corruption have become the paradigmatic proof of academic malpractices. Contrary to corrupt dealings in procurement that considerably and directly affect university budgets, bribery has its 'victims' and or grows on accomplices. The 'victims' come, partly at least, from 'outside' the university, thus making the corruption problem 'visible'; the news spreading, for instance, of the going rates practised here or there for the sale of admissions. Notwithstanding the enormous damage this all represents for the credibility of higher education and despite the endemic nature of the phenomenon in several countries, I will not consider this type of corruption as paradigmatic for academic malpractice. Indeed, when resources become sufficient to cover the needs of the higher education sector, and once the admission rate stabilises within the age cohort, outright corruption should diminish in higher education.

Of course, corruption and structural mismanagement are the two sides of what is perhaps one coin only, at least from an output perspective, i.e., when looking at student performance and quality. As long as resources are scarce at universities (or what academic actors so construe to be), faculty and administration may indulge in selling higher education access, exams, and degrees. However, the actual knowledge content in a university degree may not be fundamentally different in a corrupt or, simply, in a mismanaged university. Consider the knowledge value of the following degrees:

a)  a degree granted to a student who bought entry to a public university, and, once there, wants to get a 'knowledge return' on his investment;

b)  a degree from a private college whose interest is

       to delay education as long as possible in order to maximise its revenue;

c)    a degree received from a public university that admits – in a fair admission process – as many students as possible but also grants all of them a title since its governmental funding depends on the number of students it admits and it graduates.

If we were to disregard moral arguments to judge the three cases, their difference in terms of substandard education would not be particularly great. However, it would make a difference should the breaking of rules not be taken into account – as well as its consequence on the social and personal experience brought about by such dealings. A person admitted to the university through bribery (or any other *quid pro quo*) would tend to believe that all other services (at the university and in the world at large) are on sale. Bribing the faculty might be just one option but it may well be that cheating may replace the bribing of staff – or even contracting out cheating (the buying of a paper or thesis, for instance), whichever proves cheaper. However, from complicity to the breach of public trust, the moral consequences of corruption in the production of a degree (not to speak of the economic and intellectual ones) are different from fraud.

    Corruption in higher education cannot be isolated indeed from the corruption prevailing in other sectors of society. Even if the corruption in different spheres of social activity only reflects temporary market distortions in a given sector, there are spill-over effects on the corruption existing in various other sectors: thus people learn how to use patterns of corruption as ef-

ficient forms of behaviour in different areas of life. It is undeniable that, once established, the *culture of corruption* grows embedded in social clienteles and political structures, thus becoming self-sustaining; corruption as a form of social exchange creates stable concerns and closed interest groups that try to survive by searching advantages equated to 'rents' stolen from the system of social interactions. In the context of higher education such developments are quite common[6].

*The internationalisation of higher education*

Trans-national education contributes to malpractice in higher education. The students coming from countries where corrupt behaviour is common tend to import into less corrupt educational environments their usual patterns of comportment, including plagiarism when it is a part of dishonest practices at home (where bribed instructors might tolerate intellectual cheating). Leaders of elite universities were first surprised and then outraged by the growing number of plagiarism cases they could attribute to foreign students – people who often pay high fees to study in their institutions; those academics are inclined to blame the cultural background of such students and, to counteract misconduct, propose to

[6]   The Italian and the international press are full of stories of continued nepotism regarding Italian university appointments, especially in medical schools. The culture of nepotism successfully resisted reforms for many years, and even after radical reforms, which resulted in competitive systems formally comparable to other Western countries, the scandals continue. See Andrew Gumbel, 'Italy Begins to Face the Rampant Nepotism at Its Universities', in *The Chronicle of Higher Education*. February 9, 1996. It reads as an article written today.

offer them special training. However, blaming a culture of corruption among foreign students to explain plagiarism amounts, most often, to the defensive denial of one's own problems. Plagiarism is an established fact everywhere[7] even if social and political attitudes may contribute to its spread.

In 1964, Chairman Mao Zedong actually endorsed cheating during a speech in which he criticised the state education system and its emphasis on exams. 'At examinations, he declared, whispering into each other's ears and taking other people's places ought to be allowed. If your answer is good and I copy it, then mine should be counted as good!' [8]

The social costs of corruption are enormous, however, and the victims pay part of its costs directly. As for cheating, its price is primarily indirect although the loss of institutional repute and perhaps personal credibility may be considered immediate. In other terms, the key social cost of plagiarism is that mismanagement

> … 'threatens equal access, quantity and quality of education. The misallocation and loss of talent because students and teachers are promoted on the basis of bribes rather than merit deprives a country of competent leaders. If an education system is not built on the concept of meritocracy, honesty and fairness, a country endangers

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[7]  For example, a UK survey of 2004 found that 75% of respondents have never plagiarised; 9 % plagiarised once, and 16% have plagiarised more than once. Only 3% think that plagiarism is not cheating; 78% classify it as moderate to serious cheating. The detection rate is only 3%. See Fresh Minds, in association with the JISC's Plagiarism Advisory Service. www.freshminds.co.uk.

[8]  Paul Mooney, Plagued by Plagiarism, *Chronicle of Higher Education*, 5/19/2006, Vol. 52, Issue 37.

its social, economic and political future. It is the very foundations of a society that are in danger if children come to believe that personal effort and merit do not count and that success comes through manipulation, favouritism and bribery.'[9]

## II.  Plagiarism as 'rational behaviour' in commercialised higher education

Contrary to forms of corruption in higher education, the malpractice exemplified in plagiarism represents a long-term problem that results from the commercialisation of higher education. In the case of malpractices focusing on plagiarism, there is no *quid pro quo*: cheating is a unilateral action that students and researchers take at their own risk. Like for corruption, the more frequently plagiarism occurs, the less improper it becomes in moral terms: intellectual cheating thus turns into a norm. This reflects the changing nature of university structures as a form of work organisation where institutional resources are inadequate to fight academic fraud, so that the institution itself grows into academic malpractice.

Of course, beyond plagiarism, there are other forms of university malpractices, although related to intellectual cheating, practices that have to do with the production and toleration of substandard academic work due both to lower academic standards when the university

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[9]  Bettina Meier, *Corruption in the Education Sector: An Introduction*. Christian Michelsen Institute, July 2004. 2. In regard of the social costs mentioned above corruption is causing more damage than simple academic fraud and, in this regard, contrary to what is stated above, in a different perspective, it can be decisive for higher education in many societies.

hires inadequate personnel, and to grade inflation (when the blame for moral turpitude is given to teachers since they are those giving up resistance to institutional and student pressure).

Plagiarism remains the paradigmatic case for sub-standard academic performance, however. This is the kind of risk that threatens institutional credibility every-where in the world. The current transition of universities into workplaces for business results in specific problems of *shirking* (see *infra*) – a visible mass phenomenon that is likely to influence the output of the university. It un-dermines the knowledge and civility of the student; it also endangers the relevance of research.

There are a number of structural reasons for the increase of plagiarism – or of the concern about pla-giarism. By structural reasons, I mean the institutional mechanisms of intellectual reproduction, standards and expectations that, to a great extent, determine the ac-tual choices of social actors. In this context, one has to remember the emergence of commercial higher educa-tion, a model soon to be applied even to those countries, more or less developed, where higher education is still a matter of resource scarcity and where demand for edu-cation radically exceeds the services still predominantly provided by public institutions.

In the commercialised model of higher education, even where the service is understood to be of a predominantly public character, academia tends to respond increasingly to business considerations (partly through political processes that also transmit the demands of industry). Universities, mainly because they are under-funded, have become more and more responsive to industry demands, especially when they

are linked to research money. Let us note that the orientation of university education is also determined by institutional research interests even if, in many higher education establishments, research remains somewhat secondary since these institutions have been set up to transfer knowledge, for instance to civil servants – like in 19th century France. Cutting edge universities, on the contrary, do depend upon research money – and look for it. Through commissioned research, they gain prestige or attract better faculty and students. Given the increased competition among universities for resources, commercial dependency is usually considered a good thing even if responsiveness to outside needs has an important impact on the internal organisation and ethos of the university: the closer the relation with industry, the more relevant becomes commercial efficiency and the more the university will resemble other work organisations.

'The Mertonian norms of science seem incompatible with the nature of technology and private ownership. Technology encompasses a large territory, including such activities as basic engineering research, scientific infrastructure, and actual applications of science.'[10]

The move from the self-regulating 'collegial estate' (the form that universities used to have and loved to be) to becoming a 'workplace' has been reinforced by another change in higher education policy that tends to perceive institutions of higher education as efficient commercial service providers: politicians and central educational bureaucracies have realised that they are

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[10]  Roger L. Geiger, 'Real Crisis or Unpleasant Realities', in *Society.* May-June, 2006. 35., 36.

no longer able to micro-manage higher education, especially when they do not dispose of sufficient funding and knowledge to do so: universities, indeed, have become complex, very expensive, corporation-like organisations. To ensure efficient management (under the name of 'responsible university autonomy'), operational decision-making has been transferred to governance structures inside the higher education establishment. This is no longer traditional academic self-administration. The managers' task has become the efficient governance of a complex organisation, seen as a workplace rather than a collegial structure of intellectual exploration and dissemination. Universities are now expected to be run the way commercial corporations are.

What does this mean for their various members? As for students, for instance, they cheat partly because they have no time, nor resources for creative research. This fits with the 'workplace' logic that follows dictates of productivity: for students, completing their degree in the most efficient way, i.e. least time consuming, should be the objective. Moreover, plagiarism is facilitated by technology and by market forces that, at the extreme, generate degree mills. Once again, this is not to deny the importance of enterprise culture: plagiarism, however, like corruption, is related to a broader social culture, namely the cult of imitation that overrides society, industry included – and youth culture in particular. In industry too, for instance, plagiarism grows in the shape of encouragement for industrial spying or copyright breach. The message from the external world is not particularly supportive of claims for moral integrity; on the contrary, the cult of imitation of what is 'out there' prevails.

Inadequate high school preparation is also a factor facilitating the 'plagiarism culture': in many instances, the ethics of secondary education is not taking cheating seriously. Further, and most importantly, in many educational systems priority has been given to memorising, so much so that, when confronted with the challenge of independent or creative work, students remain helpless and fall back on repeating the obvious.

Most importantly, plagiarism tries to paper the gap between the interaction of traditional university values and the dictates of performance measurement demanded by commercialised university management. Traditionally, universities have operated – and still claim to operate – in the name of creativity, a quality considered crucial for the development of science. As a result, students were expected to be creative and develop critical thinking. That is why the world of quality assurance wants to measure such creativity, although the resources for its cultivation through individualised education – or even for its assessment – are in dire need. There is no time left for individual oral exams in a productivity driven mass education control system![11] Consequently cheating is determined by structural elements. Furthermore, when productivity matters and where the researchers' creativity is assessed through publication numbers, the pressure and temptation of plagiarism can only increase, also among academic staff members.

[11]   Managerial efficiency in mass higher education results in impersonal student-faculty relations. The sense of impersonal relations greatly contributes to choosing cheating as a viable strategy. See, K. Pulvers, and G.M. Diekhoff. 'The relationship between academic dishonesty and college classroom environment', in *Research in Higher Education,* (1999) *40* (4), 487-499.

Is plagiarism really a big issue, after all? Is not cheating as old as the 'university is in crisis' feeling? Why would it be more important today? The public awareness of increasing plagiarism is a key argument for those refusing commercialisation in the name of traditional autonomy, social commitments and Humboldtian *Bildung*. Even if older models are no longer considered relevant, plagiarism also signals problems of university performance management today. It is the very performance control that invites intellectual cheating and that undermines the credibility of the control system. Plagiarism also represents a genuine challenge to the commercialised university. The commercialised university is an intellectual factory that is now supposed to generate standard products of knowledge as would an autonomous production unit.

Systemic malpractices challenge the fundamental expectation according to which the university – as an autonomous managerial organisation – is an efficient distributor and generator of knowledge, be it for industry, civil service or for economic development. Public or private funding is justified by the assumption that universities provide a system of quality assurance. But plagiarism and other integrity violations, although less visible – such as patronage or nepotism –, by-pass meritocracy; they indicate that the very tools intended to push universities towards efficiency and productivity are simply problematic and counterproductive. Those instruments of quality control (from exams to citation index) that have been invented to domesticate universities as autonomous entities have become suspicious – at the risk, for the whole quality enterprise, to lose its credibility.

### III.  Malpractices resulting from 'quality control'

What are these quality tools that are supposed to 'domesticate' free spirited universities and turn them into 'commercial ventures'? In fact, to introduce a 'culture of performativity',[12] governments have expected universities to operate to standardised performance criteria. Moreover, given the shortage in public educational funds, higher education institutions (sometimes deliberately) have been pushed into a penury that fosters dependence on research grants and R&D contracts. Though this push may be legitimate, I am here discussing its consequences only, namely which is that credibility-based prestige is now founded on standardised performance assessment – thus allocating different institutions with enough fame to claim for more money.

According to Gillian Howie, the public expectation is that standardised educational goods will emerge from control procedures. Thus a learning process focused on the subject – staff or student – is turned into a recognisable, measurable and assessable object, i.e., a product of intelligence that can be exchanged in the global market. That is what the 2003 Berlin communiqué of Education Ministers[13] promoted under the idea of quality assurance at institutional, national and international levels, this goal being met through 'a coherent European system of 'mutually shared criteria' relating to quality assurance, peer review and accreditation.' No surprise that the Brit-

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[12]   Here I follow Gillian Howie, 'Universities in the UK: drowning by numbers', in *Critical Quarterly*, 47. 1-2.
[13]   'Realising the European Higher Education Area'. *Communiqué* of the Conference of Ministers Responsible for Higher Education. Berlin, 19 September 2003.

ish, ahead of the European trend, spent more than 250 million pounds for academic reviews and audits![14]

Due to the performance-based funding of universities, quality assurance has become the main tool for restructuring universities into special enterprises. At the same time, quality assurance serves as a precondition for all forms of commercialisation since, through performance indicators, it can impose market logic on academia. Indeed, numerous and controversial are the effects of indicators on academic policies and activities. At this point, however, I am only interested in the impact that single, homogenised measures have on university credibility – although the information on the topic is limited.

'Interest in performance indicators, particularly as they relate to accountability in higher education, is often accompanied by a lack of understanding of what they are and how they can be used. While being a part of higher education's lexicon, they often articulate divergent views relating not only to their utility but also the rationale for such indicators.

Many view them as an intrusion on institutional autonomy and an external threat—used by the government in the allocation of resources. They are also seen by some as providing superficial information, lacking perspective and substance, and as dangerously misleading'[15].

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[14]    Howie, op. cit.
[15]    David E. Leveille, *Accountability in Higher Education: A Public Agenda for Trust and Cultural Change*. CHSE, Berkeley. 2006. p. 104.

The most common concern about performance in-
dicators is that the actors, such as the professors within
the university or the institution as a whole, are inter-
ested in *lowering performance standards* as a way to
maintain enrolment levels, especially in countries where
such levels determine funding. However, perverse con-
sequences do not necessarily materialise. In Denmark,
a system based on a 'taximeter principle', has been
in place for more than twenty years: according to this
scheme an amount of money is paid to the university for
each student who passes exams. Taking the view of at
least two thirds of the stakeholders, this system did not
lead to quality deterioration.

On the other hand, the 2007 OECD study[16] based on
comparative empirical research coming from nine EU
member States finds that:

> 'Several problematical aspects reduce the
> optimism concerning the performance orientation
> and the use of performance criteria as well as the
> design of the funding systems:
>
> • Output measurement (in particular as it
> relates to basic research results and the quality
> of publications) is seen as very difficult and
> complicated, thus resulting in inappropriate
> conclusions and consequences.
>
> • There is a risk of incentive misalignment.
>
> • Due to declining student enrolment,
> competition among institutions of higher
> education will increase.

[16]  Funding Systems and their Effects on Higher Education Sy-
stems – International Report. (Education Working Paper No. 6).
2007. p. 15.

> • The establishment of institutional foundations and agencies in order to increase funding modes' transparency, to coordinate overall state funding and to generate additional funding is seen as crucial in many countries.' …

> 'We also know that even the best assessments are corrupted when they are tied to outcomes that, if not met, result in punitive or negative consequences. One of the most frequent sources of corruption is the lowering of standards and expectations. The higher the stakes, the less willing we are to acknowledge unsatisfactory accomplishments and the need for change. Yet those who cannot admit their failings will never seek to raise their sights.'

In this context, here is what Carnegie President Lee S. Shulman had to say about performance indicators:

> 'To give a practical example of how performance indicators generate academic malpractice (in the sense of cheating regarding the quality of the 'output'), it is enough to re-think what grade average inflation is about. Universities generate shallow excellence, partly because they cannot resist student pressure, partly because the management does not allow the university output (graduation grades) to be below the average. After all, all schools have to be schools of excellence.'[17]

[17] Lee S. Shulman, Carnegie President ,'A Response to the Final Report of the Commission on the Future of Higher Education' in *The Chronicle of Higher Education* (September 1, 2006) as part of a series of responses by five higher education leaders to the final report of the Commission on the Future of Higher Education.

In principle performance indicators[18] are developed to promote *accountability* for producing reliable educational and research products. However, such indicators may be problematic not only in terms of their imprecision, but also in their consequences. In fact, they may contribute to improprieties since they tend to pre-empt accountability instead of triggering it. Students are not accountable for poor performance and teachers for poor teaching and research. And the lack of accountability is also evident at socio-political level. In fact, universities represent a classic *agency problem*: public universities are public assets 'owned' by the general public. Politicians and central public administration act as 'principals' on its behalf, university managers being their agents. However, instead of solving the 'principal-agent' problem defining how to steer universities so that they respond effectively to the social demand for knowledge, the public administration and politicians acting as principals and heading the system simply withdraw from managing acting as principals and higher education. Such withdrawal is understandable since the complexity of the managerial task is beyond their capacity. They give up being responsible for efficient higher education – but do not give up all organisational powers related to the job even if various laws grant organisational and *managerial autonomy* to universities and the higher education industry. Autonomy, indeed, is a cherished

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[18]   "Performance indicators are data, usually quantitative in form, that provide a measure of some aspect of an individual's or organisation's performance against which changes in performance or the performance of others can be compared." L. Harvey, 'Analytic Quality Glossary', in *Quality Research International*, 2004, <http://www.qualityresearchinternational.com/glossary/>.

value since it helps meet the traditional ideal of the university as a self-governing community, all the more so as it is seen essential for protecting science freedom and creativity. 'Managerial' autonomy, however, seems to mean something else, especially when it is granted with no clear responsibilities attached – the modalities of accountability –, thus not necessarily benefiting the traditional autonomy that has served individual academic freedom for so long.

Accountability fuzziness may undermine university credibility and social trust, be it both external and internal to the academic community. It is the lack of institutional and managerial accountability in universities that enables and generates academic malpractice. If the university is understood as a workplace simply, even if organised loosely with flattened hierarchies, if it becomes a place where traditional peer control and cooperation are diminishing, where altruistic academic interest and ethos have limited place and recognition, then emerges duty evasion or *shirking*, which is a standard workplace problem.

Of course, there are genuine efforts to standardise the educational product. But the monitoring of 'shirking' in the knowledge industry proves difficult and is prohibitively costly since, for instance, it needs highly qualified supervisors. Moreover, performance standards tend to reinforce existing differences among universities. In countries which cannot compete with Britain for fee-paying students, simply because they use the 'wrong' (non-international) language, who has the money for serious certification? The UK, on the other hand, is deeply

involved in the certification game[19], as it guarantees the country's educational superiority – which results in a growing number of tuition paying students.

The cheapest monitoring forces are insiders to the organisation and include the students, faculty and management members who happen to have first hand information. But they are usually not interested in sensing or noticing malpractices; as for outsiders, they have little information and even less to gain from exposing lack of integrity. Taking action is costly for insiders and it does not offer much return to external stakeholders. There is no market solution to the problem: competition may exist but it does not push for quality control. Using ranking as a tool of quality control usually backfires. As a result of it all, a cartel of silence operates behind the veil of mutual accreditation.

What about students evaluating professors, certainly the easiest approach to monitoring? After all, at least from their attendance to professorial lectures, they can provide cheap and reliable information (assuming that they are interested in course attendance – a daring assumption). But even in this case, the empowering of students may result in endless conflict and abuse, or, even worse, it may result in a kind of 'mutual back scratching' where the professor in breach of duty will accept student misbehaviour in exchange for them to keep quiet on his or her failure, like absence for instance. Besides, student supervision creates the same problems

[19]    Anyone familiar with railroad safety regulation in America knows that regulated industries tend to adopt standards favouring those players in the industry who happen to be in possession of the safety standard.

as NGO participation in political decision-making: they are actors without accountability.

When markets fail to exercise control, societies turn to administrative and regulatory solutions. This has not spread throughout the higher education sector yet, partly because central administrators have only recently discovered the beauty and comfort of devolution, and partly because of the resistance shown by the institutions themselves which, in some countries, still evoke their autonomy. Like many of the industries operating in the shadow of regulatory supervision (for instance the media in matters of advertisement), higher education promises 'self-regulation'. But self-regulation needs references, which are determined by stakeholders' interests and counter-interests. Imagine then the added cost of 'hard to cheat' systems![20] And, beyond those added costs, there are internal pressures to accept grade inflation as well as legitimate claims according to which exams written in class do not allow for much independent student work. As a result, such exams are often inadequate for assessing creativity. As for oral exams – which are particularly time consuming –, they run the risk of power abuse since they foster opportunities for extortion.

What happens to accountability, based earlier both on the supervision coming from a community of peers and on personal professional ethics? At present, performance indicators are considered to warrant institutional and personal work quality. There is little external supervision in case of failure to meet such criteria. Per-

[20]   This is not intended to deny the usefulness of anti-plagiarism software.

haps it is believed that the universities will take action against each other, collectively. This is unlikely, however, when academic institutions tend to act as a cartel. Furthermore, in areas that are not falling into the sphere policed by performance indicators, there is no concern for other misdeeds whatsoever. As for sanctions, they are institutional at best and usually apply to future funding: fewer resources will be available to the entity that fails to satisfy the plan! As a consequence, the university system is encouraged to comply with indicator satisfaction to the detriment of other legitimate concerns, a disequilibrium that may generate practices that work against the system of integrity.

At this point, experiences in *planned economy* become interesting. Performance indicators in socialism were used to simulate a non-existing market. Indicators for plan fulfilment mimicked a mixture of uncertain market reactions with social welfare considerations. This is exactly the blend universities are now confronted with. Yet, from the perspective of economic theory, such a simulation is pure nonsense. In reality the plan indicator game reflected an important political power game, all being a matter of interest peddling. In socialism, indicators were subject to systematic manipulation in a web of complicities – often described as 'dirty togetherness' between those formulating rules and those reporting about their application. Is this happening today in higher education? We do not have sufficient data but the way indicators are formulated certainly reflects the biased concerns of specific participants, the assessed universities being included. Thus performance indicators tend most likely to express organisational interests, bureaucratic comfort, pressures from the evaluation (audit) industry,

political compromise and self-promotion – not to speak of the technical possibilities for quantification. Not even the involvement of stakeholders from industry should result in the voicing of strong proprietary interests. There is no guarantee either that concerns about traditional educational values and research principles may find effective expression. In other words, universities, given the nature of their product, remain difficult to be monitored by external supervisors. The self-monitoring of manipulated indicators represents the fall back position. But the institutional interests of the 'workplace', as opposed to the 'university community', tend to militate against full disclosure. As for the 'product', i.e. the knowledgeable students, they are hardly interested or empowered to voice dissatisfaction or impropriety.

Lawyers and high ministerial administrators talk about wider university autonomy – and rightly so, in the formal sense. But such increase seems to mean larger *entrepreneurial autonomy*, an increase needed to turn the university into an efficient workplace where tenure[21] and other guarantees for academic freedom become suspect.

The indicator game poses well-known problems of industry self-regulation and co-regulation – that mixes public and private regulations. Such forms of regulation are likely to emerge where traditional public control is excessively costly, where public authorities and politicians are involved in an exercise of disengagement, in particular because of knowledge disparity and intractable real-world problems, and where industry is able

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[21]    Indeed, much of the education and research today is provided by non-tenured employees!

to convince captive regulators that, with traditional regulatory control exercised, innovation might suffer. The contemporary alternative to regulation is then self-regulation; in higher education, however, 'new management' denies the use of self-regulation grounded in academic freedom and collegiality. Industrial self-regulation refers to ideas developed by the management; in higher education, this means rules devised in 'democratic forums' such as 'Rectors' Councils', for instance. But anyone familiar with industry self-regulation knows what its risks are for consumers. For example, internally determined selection criteria in university appointments in the name of university or academic autonomy might become the hotbed of opportunistic choices – from nepotism to choosing people who accept enslaving to the private research undertaken by the head of department…

Self- and co-regulation tend to lead to inconclusive and biased rules. In fact, self-regulation by the industry is a typical confidence-building exercise – and also a strategy to avoid transparent public regulation with real sanctions. It is primarily noise only, i.e., a PR exercise made about the very process of regulation, at best an *expression* of goodwill and concern – that should not to be confused with the concern itself.

Despite genuine efforts to create a European area for higher education, with a coherent system of 'mutually shared criteria' relating to quality assurance, peer review and accreditation, the national systems do remain quite different. Concepts, possibilities and comparable indicators mean different things in various national contexts and each country pursues the regulatory game its own way – depending on its political and cultural climate. For example, in Germany, the Federal Constitutional Court

has accepted that university autonomy cannot be construed as an obstacle to accountability when it comes to the use of public goods and resources: therefore change in governance structures was held constitutional. However, a similar reform was held unconstitutional in Hungary, where reference was made to a concept of university autonomy conceived as 'non-interference', that had been valid in Germany more than thirty years ago. Of course, external differences create different games around allegedly common concepts.

Risks of university malpractice may be understood as problems of the new managerial autonomy of universities. Such autonomy enables involvement in the marketplace. But that involvement,

> 'has diminished the sovereignty of universities over their own activities, weakened their mission of serving the public, and created through growing commercial entanglements at least the potential for undermining their privileged role as disinterested arbiters of knowledge.'[22]

Whatever we may think about the price of increased productivity we have to accept that it is not the scientific community and the university that will dictate the rules; we scholars and educators may only manipulate, twist and bend the rules. In this bureaucratic and managerial exercise of performance-based higher education management, concerned scholars who still operate on the basis of organised scepticism should ask the ques-

[22] Roger L. Geiger, *Knowledge and Money: Research Universities and the Paradox of the Marketplace*. Stanford University Press. 2004. 265.

tion: are we using the possibilities left at the best advantage of the inherited social and academic values we still claim to cherish – for instance in the *Magna Charta Universitatum*?

## Academic Integrity and University Rights and Obligations

*Prof. Michael Daxner, President of the Collegium Magna Charta Observatory*

As emphasised in the background paper prepared by Martina Vukasovic, corruption is not the privilege of new members of the EU or of candidates to the European Union that are not at the core of Western European and American tradition. For instance, in Germany, two weeks ago, the press focused on the University of Hanover, where a professor had sold 5000€ each, some 50 PhD access procedures, this being done through a professional chartered business that offered PhD admission to students not really eligible for this degree. With other examinations, the trading of sexual services would help upgrading academic marks! All newspapers reported that everybody in the university seemed to know what was going on and, had not one brave person openly made the case, the things would probably have gone on.

Thus, integrity was missing on two counts: inside and outside the university; inside the university, where

short-cuts to awards were deemed not to infringe insti-
tutional credibility; outside the university, where private
enterprise was allowed to trade academic degrees open-
ly. It was indeed a public fact since anybody browsing
the internet could learn how to buy access to doctoral
studies – in Germany. Perhaps, in other parts of the
world, this could be more difficult – or less. It proves,
anyway, that the call for integrity is more complex than
negative judgements refusing evidence; indeed, it is
relatively easy to speak about corruption, to differenti-
ate cases, to invoke sociological institutions. It is not so
easy, however, to make a positive case of such an ex-
ample since philosophical and ethical questions do not
really fit our thinking about institutions, as collective
bodies; this has nothing to do with the university and
higher education in particular, but it could apply to most
social organisation, be they hospitals, prisons, the army,
public administration, the family, or the churches, – in
short all those bodies that make society, all those institu-
tions that organise our highly differentiated lives. As per
another institution, the university tends to follow social
trends. This is nothing new. And, a contrario, every time
the entrepreneurial and efficiency paradigms are over-
stretched, there is an outcry for correction that emerges
from basic social values. At that time, we claim for val-
ues, we want value-based policies! In neo-conservative
strategies, efficiency and values were united in a strange
alliance, an alliance turned somewhat shabby with the
declining neo-liberal ethos; ten years ago, however, this
alliance was really very strong. Earlier on, in the 1970s,
when the 'true university' was still an ideal to achieve,
the sheer growth of student numbers created a new
paradigm that called for academic excellence in an age

of mass democracy. This was clearly referred to by our keynote, earlier this morning. In a globalising economy, can the university master the quantitative move from elitist to mass higher education, perhaps by differentiating both in financial and qualitative terms? The growing diversity of educational offer entails an entrepreneurial adaptation to accountability measures and total quality management. This implies that we are entering the 'evaluative state', a formula coined by Guy Neave, the ambiguity of which is, indeed, revealing. The state, as a political organisation, has begun to play a role earlier paymasters ignored, some kind of partner in governance aiming at optimising academic institutions at the core. This could be equated to a transition from the traditional university as an agent of the State to the academic institution as an agency – supposed to hurry change and progress on its own account by being a treasure trove of those immaterial forces that structure society. The 1980s reinvented a market-driven rationale for the university, now considered as an enterprise, whose added value is to fight for recognition as an active political partner in shaping the community; as such, the university is no longer the direct agent of state strategies. When Guy Neave refers to that revamped State as the 'evaluative' one, he also points to the changing status of that body, a status of reference for the institutions that contribute to its functioning. Hence, beyond the symbolic qualities of a university, there are some objective standards that may guide the assessment of any academic institution, i.e., a set of criteria that allow for institutional ranking, that determine the differentiation and diversity needed to serve a multiple constituency.

Indeed, the constituency may have changed even if,

until 1980, most university systems in the world were functioning under the so-called 'deferred gratification' pattern. Students, at the end of their adolescence, a kind of life moratorium, entered the university, taking the risk of studies that were expected to offer later reward in term of professional integration and in terms of social status. This changed naturally with the mass university since the sheer fact of numbers reduced the vertical organisation of society. Horizontal linkages became essential and it was the time when the concept of stakeholders took hold. I would like to curse the person or the group who first applied this imprecise term to higher education policy! However, we have it now as so many other terms with which we live comfortably. There was a reaction to this change of paradigm in the 1980s and it expressed itself, in particular, in the movement that led, in 1988, to the signing of the Magna Charta here in Bologna. The charter expresses academic uneasiness at seeing the university disappear among a multitude of new structures, efficient and streamlined perhaps, but certainly with less of an understanding of the unique critical role the people could expect from higher education institutions. In a way, the Thatchers of this world wanted all educational institutions to serve economy as agents of industry rather than as agencies of social development, the partners of community growth. I shall return to that when speaking of public expectations of higher education, the benchmark for integrity. In the 1980s, there was a faint feeling that the university was about to lose something of importance for coping with the radical changes the world was undergoing – changes that could not be met by mere servants. That is why the Magna Charta and other academic leaders wanted the

academic institution not only to explain the reality but also to interpret its rapid changes, be they political, economic or social. This meant asking for a reconsideration of the power of critical intelligence, especially in a world where the enormous impact of science needed to be connected to structural developments moving beyond the commercial and technological globalisation that was still on the horizon in many countries and regions.

Those of you who were signatories of the first hour, in 1988, will remember what happened in their respective countries in the year that turned to be the prelude to the fall of the Berlin wall, i.e., the dissolution of the so-called Socialist Europe. When arriving home, the signatories from Central and Eastern European countries brought with them a document they had been authorised to sign, a document that indicated that State power on universities and the suppression of academic freedom could not prevail forever. There was no plot to have the wall crumble; its fall, however, was an indicator that intellectual oppression could not last another thousand years, – contrary to what one East-German leader said three weeks before Berlin was reunited; but people in power are rarely prophets of their own doom! The Magna Charta, in fact, called for a reconsideration of university values, effectiveness, goal orientation and institutional steering capacity. Yet, I cannot remember that, during the 1988 celebrations, terms like accountability or efficiency were even uttered. Our problems were different and, I may say so with pride, larger. Today we could certainly speculate about what alternative options should have been followed in 1988; however, my point at present is about the fact that, by signing the Magna Charta, the universities gained or regained

the trust of their constituency; by endorsing the charter, both pointed to a shared understanding of their integrity – as institutions, as social partners. If I am not mistaken, this was understood by all governments, not only in Eastern Europe but in all places where the integrity of higher education was constantly attacked, where powerful interest groups thought normal to strangle universities as institutions because they did not appreciate their freedom of expression; so they tried to control academic freedom by narrowing academic practice and institutional autonomy. At the time, in the Federal Republic of Germany, certainly an advanced Western democracy, the chemical industry was restructuring, thus exerting an immediate pressure on the quality, format and quantity of PhDs in chemistry produced in universities: indeed, the chemical industry was expecting higher education to react to their new needs. In terms of autonomy, the Magna Charta was also written for industrial partners, not only for political stakeholders.

Now let me discuss the impact such a moral reshaping had on political developments, then or today. For me, of course, the Magna Charta has played an emblematic role in renewing academic self-awareness and self-confidence. But it was not alone to do so: exchanges and academic modality between Eastern and Western universities were highly controlled and political correctness was the key to international co-operation; I remember, however, that despite heavy controls, the exchanges developed between West Germany and Poland under Jaruzelski's state of emergency also prepared things to come.

What does trust in academic institutions mean? Basically, it means that citizens can expect the universities to

do their job, thus behaving in an accountable and transparent way and developing a legitimate authority. But there is more to it. Such a functional definition around teaching and research does not explain what academic legitimacy really is. It does not tell us about the making and emergence for social expectations. At another level, trust is the opposite of disappointment, itself another way of speaking for a sheer lack of understanding. Trust also expresses the relation of those who profit from, entertain or sustain the role of the institution in society – a truth that applies to all organisations in a country. A closer look on the university as an institution informs us, however, that there is a difference when I look at the institutions from the outside – having no formal knowledge relation with them – or when I consider them from the inside in the position of one of their members, clients or users – for instance visiting the library or reading about recent research results; my expectations from good university work is thus very much related to the position I have vis-à-vis the academic institution – as an observer or as a user. Inside, I am a real stakeholder, i.e., I *have a stake* in the efficient development of an institution that serves my interests or to which I happen to belong. I am not so engaged when having a distant look at an institution whose fate I do not share. In other terms, the question of inclusiveness is rather important.

There are many dimensions to integrity and one of the most important is completeness. So, integrity includes all the ruptures and all the idiosyncrasies and all the antagonisms, which make an institution specific. There is no ideal, typical institution in the world. I am not speaking in terms of morals but of functions: indeed, does anybody know of an ideal university that

meets all expectations and anticipates all hopes still to come? As a result, we should ask ourselves what to do with the linear approach going from integrity to trust and from trust to action, especially reminding that action in universities is usually divided; divided between immediate institutional performance and the deferred increased productivity of its graduates and ideas – when applied to social reality. Placed at the end of the educational chain, the university offers qualifications that allow entering another chain of occupation, a professional career. Bridging education and profession has been the role of academia since the early years of the University of Bologna in the 11th century. And it should remain so under today's catchword of 'employability'. People with a university degree, however, are not only to bridge education and profession (society's need for *experts*) but also to shape the lay culture of society (the need for *well-rounded citizens*). This double expectation explains some of the populist attacks made against the universities – not always perceived as able to deliver both functions. The classical attack is: here you have the mandarins and here you have the people subject to the judgement of those mandarins! This could prove right if and as long as the community does not expect different outcomes, different products from the university. Part of academic integrity, therefore, consists in questioning the requirements and expectations coming from society and in questioning the university's capacity to foresee and meet those needs. The temptation is to become a multilayer global enterprise trying to serve everyone at the risk of suffering from diverging or confused external demands that could mine the institution – or even kill it. Universities cannot be everything to all…

Indeed, in the university, we have the unique chance to criticise needs – those from society, those from the academic institution – and thus help decide how to dovetail academic supply and intellectual demands from the community. This is not in the mission statement of most universities. To be sure, criticising needs does not necessarily mean correcting them; rather, it implies understanding the hopes and, possibly, the illusions people put in our institutions. For instance, parents used to say to their children: 'If you attend the university, you will have a better life'. As long as the deferred gratification pattern worked, this was right. In terms of remuneration, this is no longer true – in a system of mass education, indeed of mass higher education; this could still be true, however, if all forms of capital enrichment through education are taken into account: social prestige, cultural versatility, personal development. University graduates may thus have acquired the ability to balance knowingly the complex power that structure society. In other words, academic integrity expresses itself by linking the expert and lay cultures that make up the community texture of our everyday life.

But the questioning goes both ways – it also calls for adaptation inside the academic body; as long as the disciplinary divide remains what it is in more conservative institutions, it might be difficult to link facts of knowledge and turn them into a single whole/entirety. Here are two examples, if I may, HIV and climate change. You cannot explain climate change by physics or by mathematics only; you cannot explain it by questioning the rainforest in Brazil or the melting glaciers in Switzerland; you cannot explain it by industrial emissions or traffic only. All such explanations are but parts of a

wider understanding of the world, that reflects the entirety/integrity of the university as a link between such partial reasons. The same with HIV. A recent survey comes to the conclusions that 27 established academic disciplines are required to bridge the gap between the needs of the people and the development of the epidemic. And these 27 disciplines are rarely found in one university only! People, indeed, are not only in need of therapy – HIV calls for changes of behaviour, changes of morals, changes of sexual attitudes too. An Afghan colleague of mine was wondering if, in a Muslim country, there was place for a condom factory. My answer was: 'either you build one or you import condoms but, anyway, you have to stress the importance of education, of prevention, i.e., of the use of academic knowledge and reflection in a given social context, Afghanistan'. Our integrity is not only to deliver information, according to curriculum, but also to be highly responsive to the ways such data can be used by society in a specific place, at a specific moment: the needs of the people are not automatically correct – simply because they come from the people themselves; university expertise is not automatically correct either, simply because it has academic grounding. When the two perspectives clash, however, a new space of intervention is likely to appear – where our integrity, internal and external, may become evident. Humboldt's opening of minds through research is but a part of a much larger academic reality, offering integrity to people in need of personal, professional and economic insertion in that community. This would be another way of defining higher education as the tertiary sector, not the OECD way, a tertiary sector where academic institutions shape the personality of the young *in*

*loco parentis* – as the Americans would say; the university acts as a third party between the individual and society by educating the citizens, the public personality of students through understanding the responsibilities and the accountability bound to knowledge. Unfortunately, however, that aspect of integrity is often reduced to discussions held in departments of philosophy or is mentioned in optional courses only – for instance in what is called a *studium generale*; rarely does it become an integral part of the actual curriculum – although it could be approached easily from the perspective of the history of science. Academic integrity, in other words, should lead to social integrity.

Now, to conclude, I will come back to my title. The university, indeed, has the right and obligation to set standards of integrity. Integrity is a complicated term as we have seen, but should never be seen as a symbolic notion that encompasses everything everybody may understand or desire. It is a little bit more specific. Universities are institutions which – irrespective of the political system of the society they are placed in – work as political actors. Therefore, in the long run, no political system can suppress questioning coming from rational research and reasoned teaching, simply by ordering results. True, state legislation is conducive to doubt when it requests universities to educate mature persons. But it is not enough. Academic integrity must be recognised since only those universities true to their global responsibility may help their members, staff and students, to internalise those norms of integrity that shape social trust. When you see a medical doctor outside your country, there are three requirements for healthy relations; the first one: you describe your condition and anamne-

sis so that the doctor understands you and trusts what you say – when you complain about a toothache, for instance. Then the doctor can understand what you mean and you can trust he has understood you. The second thing consists in the professionalism of his diagnosis, counsel, and suggested therapy, so that you can feel your doctor to be a trustworthy therapist. Thirdly, you aggregate this foreign doctor to his professional group and give that community the trust developed with your own doctors at home. Thus, if you are sick in a foreign city whose language you ignore, you will look for the sign on a door followed by a familiar MD: you trust in the title! So do you of other symbols, like the white collar of a Christian priest: why? Because such symbols carry a long history of social integration. As a social institution, the university partakes of the same trust, a confidence that refers to strategies of recognition that now spell like assessment or quality assurance. Trust, however, is comforted by reasoned understanding of how the authority of the university is being transferred to people, with the backing of the State that represents the citizens – but it is not motivated by such rationale. That is why I alluded earlier to the attacks made in the 1970s against the capacity of the State to confer authority to higher education institutions, thus pushing authorities into 'evaluative' role rather than an operational one. Trust, indeed, derives from the hopes and expectations entertained by society vis-à-vis the institutions structuring the community. In a world that is increasingly horizontalised, integrity needs to assert itself in new ways. In the old days, authority could justify the social identity of universities. At present, the State and academic institutions are but 'partners' in the definition of

lifestyles and presence in society, i.e., they are competitors for a recognition whose acquisition calls for ethical behaviour. This should ground not only the individual morals of students, academic teachers, and other staff in the university, but also the conduct of the institution as such. Some measures about collective propriety – or integrity – have been mentioned this morning. I would be happy to see them included in academic strategies, in the university dialectics, in the decision-making of academic institutions. I am afraid that often, in the debate on new forms of university governance, not much is heard about such ethical considerations. I hope that my point is clear, however: deconstruct the expectations of people so that we may reconstruct the link between trust in what the university does and the integrity of its structures and of its actors; such a strategy would be a big step forward in sharing our responsibilities, as academics, as universities, thus renewing and re-enforcing the integrity that makes us global partners in the development of any specific society.

Thank you for your attention.

# Corruption and academic Malpractice:
the Students' View point

*Milica Popovic, Executive Committee,
European Students' Union[1], Brussel*

The European Students' Union shares many of the aims and values of the Magna Charta and considers important to cosponsor with the Observatory a common project on raising awareness on university integrity within academia. A *Statement of Concern* had been issued jointly in February 2005, to be followed by a synthesis of the results of an ESU survey on the academic malpractices existing in various countries of Europe, a paper written by *Vanja Ivosevic*. Collaboration continues at the Bologna 2007 Annual Conference since students have been offered to conduct a panel on their perspective as far as managing integrity is concerned; this was done through the presentation of three case studies focusing on the particular situations of Latvia, Romania and Serbia. This note sums up these presentations and underlines the students' viewpoints as to the current

[1]   With contributions from Igors Grigorjevs, Latvia, Vlad Petcu, Romania and Dragan Mihajlovic, Serbia.

situation in the European Higher Education Area as far
as academic malpractices are concerned.

The survey conducted in 2005 has already shown
worrying data about different forms of misconduct at
European level. The problem has strong roots within
higher education, indeed, and all over the continent, but
it is kept below the surface thanks to a pact of silence
(*omertà*) in order not to rock the boat of small university
communities. Students, therefore, have often stood at
the forefront to bring out truth forcefully since they are
the first ones to suffer from institutional misbehaviour:
indeed, corrupt education systems may not only endan-
ger the trust in their universities but also jeopardise the
students' knowledge and skills, thus endangering their
future position on the labour market. More alarming,
thanks to the experience of unfairness, students may
also learn and apply – as future professionals – the
short-cuts to power offered by corruption, thus deterio-
rating further the system of trust in competence-based
advancement within professional life and development.
University autonomy needs grounding in the values of
personal responsibility and institutional accountability if
the academic institution is to continue its role as a lead-
ing partner in a democratic and open society. This gen-
eral ideal, which universities claim essential throughout
the globe, should first of all translate into bringing up to
the surface of society the deep problems that relate to
malpractice within academic walls.

ESU defines corruption as the 'different ways of
abusing power for personal gain that exist within higher
education'. It can be found at systemic, institutional and
individual levels. Thus, the students may report numer-
ous forms of academic misuse that appear in all Euro-

pean countries, in a way or another: they go from direct bribery to nepotism, through harassment and discrimination or 'old boys networks', not to speak of the distorted distribution to HEIs of the national budget. Furthermore, in the analysis, a question came up constantly: are the students victims only, or also the accomplices of malpractice? Indeed, the reporting of misconduct – if it is to develop – requires a positive climate in which students feel comfortable enough to uncover unpleasant truths, an atmosphere leading to visible and corrective practices once misbehaviour has been reported.

Sadly enough, this climate is often difficult to achieve and ESU knows of several examples where students have been discouraged to take an active part in creating a misconduct-free university environment. The three presentations made in the Bologna 2007 Annual Conference described student efforts at managing integrity, sometimes (if not mostly) despite university management and institutional structures.

*Igors Grigorjevs*, from the Centre for Academic Integrity in Latvia, stressed how important it was to promote principles of academic integrity at national level, for instance by using non-governmental organisations to press the point beyond the perspective each university could take as an institution. Indeed, in Latvia, the Centre (CAIL) is bearing the torch of the principles of academic integrity for this Baltic nation as a whole. With approximately 130,000[1] students in a population of 2.3 million inhabitants, Latvia is yet another exam-

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[1] http://izm.izm.gov.lv/registri-statistika/statistika-augstaka/2006.html, Ministry of Education and Science of Latvia, 2007

ple of intensifying mass education – whose students are served by 5 universities and 29 non-university institutions of higher education.

By the beginning of year 2007, there existed no accepted definition or common understanding of what academic integrity could mean in Latvia. This absence of a concept reflected the marginal interest given to the problems of academic deceit. Indeed, very few institutions of higher education in the country had really functioning policies applied to academic dishonesty issues – even if, officially, there were legal regulations in many of them to face these problems.

To help bridge such a gap between the tools and the actions supposed to control unfair behaviour, the students of the Stockholm School of Economics in Riga decided to break the silence by setting up the Centre for Academic Integrity in Latvia. Firstly, and perhaps the most relevant deed for the CIAL, it exposed the whole matter by undertaking a definition of the terms (in particular, *academic integrity*, *academic honesty*, *academic dishonesty*), thus developing shared knowledge on different aspects of the problem. ACADEMIC DISHONESTY was defined as *fraud and deceit as performed by students, teachers and the administration in order to fulfil academic obligations or gain academic appreciation unfairly*. Notably, this definition captures dishonest activities as they happen in study as well as research processes. The particular connotation of the term includes *corruption, cheating in exams, plagiarism, self-plagiarism, data falsification to obtain research support, falsifying documents (say, signing attendance sheets for others) etc*. The relevance of capturing the listed activities under a unifying term (be it academic dishon-

esty, academic misconduct or else) proved crucial when campuses started to discuss and analyse specific issues, such as cheating in exams: when different manifestations of academic misconduct are understood as a single problem, the need for policies at campus level becomes a matter-of-course.

With reasonable understanding of the nature of academic dishonesty, the institutions of higher education are now called to determine their attitude towards the problem of corruption implement, and to policies and management processes intended to deal with it.

The process of understanding the substance, importance and management of academic integrity may be particularly reinforced by outside factors and actors – like non-governmental institutions that act as external references to internal university problems, thus brought to a new light. In Latvia, these organisations are largely supported by other academic institutions that often provide both shelter and moral support while drawing from the NGO activities some benefit in terms of organisational development and public relations.

How can such non-governmental organisations promote the principles and practices of academia at national level – what role can they carve for themselves? In fact three interrelated functions are to be distinguished:

- *defining, explaining and justifying* academic integrity;
- *combining the messages* from employers, governmental institutions, interest groups;
- *providing support* to the institutions of higher education in the management of academic integrity.

Those universities in different European countries that are committed to the principles and values of academic

integrity would gain by promoting and hosting non-governmental organisations willing to fortify academic integrity at national level, people holding the flag of institutional honesty for the group as a whole, thus changing the reference system of academics who are usually constrained by a net of obligations shared at institutional level. An NGO set next to the institution opens the debate to a higher level of understanding and helps taking distance from unfair forces at work in a given university – perhaps even delivering oneself from the weight of malpractice. In fact, the universities themselves, as a group of institutions with an old tradition based on accepted academic values, should not fear establishing such organisations. While, in the case of Latvia, the incentive came from the students' side, academia itself could organise external reference systems that would help strengthen internal meritocracy practices based on commonly shared values of integrity. Having a specific NGO in their backyard would give universities two advantages at least: on one side, *strengthened awareness* of the ins and outs of academic integrity on campus, the result of continued interaction between the NGO and the university, and, on the other side, a serious *message on university quality* standards sent to employers, government institutions and other stakeholders.

If it proved particularly helpful to upgrade the integrity discussion to national level in Latvia, the impact of such a change of perspective could be reinforced by urging universities from other countries to seize opportunities for the creation and support of reference bodies that could help them promoting academic integrity at national or regional level. The Magna Charta Observatory could become such a reference organisation, indeed.

*Vlad Petcu,* from the National Students' Federation in Romania (ANOSR), concurred that, in his country too, *malpractice is the improper or unethical conduct coming from the holder of a professional or official position.* Unfortunately, the nation usually accepts such behaviour as a social norm that is also considered to be a part of the standard culture in academia. The consequences of unethical conduct originating in the university world are often irreversible for the community as a whole when society gives high value and priority to diplomas first considered to be the keys to success – the true knowledge implied in a degree remaining rather secondary in the peoples' mind. Thus, malpractice becomes a simple means to an end, such as individual access to status and respect regardless of one's merits and real competence.

The use of a situation of power to one's private advantage begins in seemingly innocuous things, for example, the sale by a professor of a book he wrote to his own students, the problem beginning when 'buying' becomes a *sine qua non* for passing an exam; things can get worse when, to obtain an academic benefit, beyond gifts and other forms of bribery, the exchange of services turns sexual in nature – professors and students both playing that card for what could be considered a negotiation process. Efforts have often been made to stop so unfair forms of trade in academic life. Recently, for instance, student associations, including ANOSR – the national students' federation – and many civil society organisations launched a campaign for a 'clean academic environment'. Such efforts made a difference, particularly because it encouraged an increasing number of students to take a stand against different forms of

malpractice. Moreover, as student centred learning is increasingly becoming an accepted norm, student evaluations assessing staff merits are finally being taken into account, either by quality assurance agencies or by specialised anti-corruption bodies.

One flagrant example of endangering student independence happened during a recent audit carried out by the National Quality Assurance Agency of Romania (ARACIS) at the Polytechnic University of Bucharest. The evaluation committee had organised a meeting with university students in order to receive an input on their conditions of study. The following day, three of the students who had participated in the encounter were summoned to a meeting with the University rector. They were accused of tarnishing the University's image and asked to offer explanations for what the University rector taxed as a 'hostile attitude'. The vice-dean of the faculty was present at the meeting and enquired where the students came from, adding to the pressure by threatening to force them to censor their given opinions. Such pressures are dangerous precedents which might lead students to silence or, at least, to curtailed opinions. To expose such misconduct and unfair treatment, ANOSR organised protests at the end of June. At present, however, the only valid solution would be a change of mentalities but, with no control of the levers of change, students have little hope to obtain what simply amounts to fair treatment. Indeed, as many sociologists and historians often point out, mentalities are most difficult to transform and, even in terms of social control, it will take time before corrupt members of the academic community become *personae non gratae* in their own milieu.

*Dragan Mihajlovic* – from the Centre for Education Development in Belgrade, illustrated student reaction to academic corruption, malpractice and fraud by reminding that, in 2003, student and youth organisations founded the 'Anti-Corruption Student Network in Southeast Europe' to address and investigate issues of corruption in education, academic fraud and transparency, problems related to student participation in decision-making, their influence on the reform process and on the quality of higher education. To begin with, the network conducted a perception survey among students in five countries of the region. It revealed significant problems concerning students' cheating, private tutoring malpractice, impersonation[2], interference with the admission process, the use of textbooks as a condition to take an exam as well as bribery. The survey results were published on a wide scale during a campaign launched in 2005 to raise public awareness, thus influencing the stakeholders to deal with corrupt behaviour – seen as an obstacle to quality education, thus putting at risk the competence of the nation's future social and economic actors. The campaign activities consisted in producing promotional material, organising press conferences, round tables, public events and getting ample media coverage. Students, professors, deans, rectors, ministers and presidents were involved in various campaign activities. Furthermore, the analysis of higher education and corruption led to policy recommendations to stakeholders; additionally, capacity building seminars were organised for students and student representatives. Since 2006 the focus has been placed on monitoring

[2]   Passing exams or preparing papers for somebody else

studies of higher education institutions as far as corruption processes are concerned, with an emphasis on academic fraud and the misuse of finances.

The Corruption Perception Index (CPI) reported by *Transparency International* for the countries in Southeast Europe has been between 1.3 and 4.1 since the year 2000[3]. This index shows that corruption is one of the major problems of the countries in this region, thus making it worth to place the issue on the international policy agenda. Indeed, when corruption prevails in all public spheres, education is by no means an exception and is likely to be affected by malpractice. The problem is then to focus on the specificity of a sector and see its part in the general development of corruption in the nation – or beyond, international perspectives helping to take distance from the urgency of daily practices and the short-sighted views prevailing in institutional situations. That is why the 'Anti-Corruption Student Network in SEE' was founded by student and youth organisations from *Albania, Bulgaria, Croatia, Macedonia, Moldova* and *Serbia*; this could not have happened without external support, however, help coming from the Higher Education Support Programme of the Open Society Institute; they were interested in acting on the lack of equity and quality in higher education. The Network could become a tool for change if student organisations could coordinate their strategies in addressing corruption in higher education, as well as in creating and implementing policies fighting academic malpractice.

To the definition of corruption mentioned above, the

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[3]   http://www.transparency.org (page accessed on August 22, 2007)

Network added corruption in procurement, financial embezzlement, extortion – all such practices being reinforced by the lack of transparency[4].

Though there are reports on problems of academic malpractice in developed countries like the UK, the US, Canada or Australia[5], it can be argued that the transition crisis engulfing Eastern Europe had an important side effect: increasing the level of corruption. Indeed, the social, political, economic and moral degradation prevailing in the area was an ideal ground for developing corrupt behaviour – also in education where deontology was weakened by the lack of rules, procedures and transparency, a situation favouring ambitions and monopolies built, for instance, on low salaries and fears of individual failure. According to Eckstein there are subjective and objective causes of corruption. 'Subjective causes of fraud are attitudinal and individual: the circumstances, ambitions, and competitive energies of participants in academic life.' 'Objective causes include the pressures directed at individuals by society, family and other external sources as well as society's demand for skilled and educated workers and professionals.' (Eckstein, 2003: 43) Additionally, success in one's schooling is among the few background characteristics seen as necessary for modern leadership so that individuals may act to acquire their positions through privilege rather than achievement (Heyneman, 2002).

The Network felt that the ethical confusion was

[4]  For more information see Hallak and Poisson, 2006
[5]  See *The Higher Education Corruption Monitor*, Boston College Centre for International Higher Education (CIHE) http://www.bc.edu/bc_org/avp/soe/cihe/hecm/ (page accessed on August 22, 2007)

worth sorting out and that was the reason for preparing a survey of the students' perception and participation in corruption. It was conducted on a representative quota sample from among the students of state universities in Bulgaria, Croatia, Moldova and Serbia in 2003, and Albania in 2004. The objective was to explore the variety and incidence of corruption. Results from countries in the region were compared and contrasted to determine the most problematic areas and types of behaviour – special emphasis being laid on discovering the reasons for different attitudes in a seemingly common environment. Based on the observations taken from the pilot survey, it was decided that the survey should be based on personal interviews, without the presence of a third person, the discussions remaining anonymous and thus, hopefully, more open. The resulting data was then entered in a separate data base for each country, with the possibility, however, to compare results.

To analyse the survey results and determine the proportion of corrupted students, a canvas of six questions was proposed for use in the interviews. If the student gave an affirmative answer to any of those questions, he or she was deemed *corrupted*. If all the answers were negative, they were classified as *not corrupted*. Students who replied *I do not wish to answer* to this set of questions could not be simply categorised as *corrupt* or *not corrupt*. In these cases, another set of five questions was used to investigate their 'potential' for corruption. An affirmative answer to any of those five classified the student as potentially corrupt. The students deemed resistant to corruption had always to give negative answers, while those answering *I do not know* were classified as members of a transitional category (undecided).

By combining these groups of students in function of their participation in or of their potential for corruption, nine categories of students were differentiated for every country (see *Table 1*).

TABLE 1

| | | Not Corrupted | Do Not want to answer | Corrupted |
|---|---|---|---|---|
| Albania | Resistant | 16.00% | 1.00% | 1.30% |
| | Undecided | 0.70% | 0.00% | 0.00% |
| | Potential | 57.10% | 1.50% | 22.40% |
| Bulgaria | Resistant | 5.00% | 1.00% | 0.10% |
| | Undecided | 10.00% | 12.70% | 1.00% |
| | Potential | 20.80% | 21.70% | 27.70% |
| Croatia | Resistant | 8.60% | 0.10% | 0.10% |
| | Undecided | 9.60% | 1.50% | 0.30% |
| | Potential | 65.30% | 7.20% | 7.20% |
| Moldova | Resistant | 3.50% | 1.40% | 0.30% |
| | Undecided | 6.80% | 4.00% | 1.60% |
| | Potential | 31.90% | 11.40% | 39.00% |
| Serbia | Resistant | 6.90% | 0.40% | 0.50% |
| | Undecided | 12.00% | 2.10% | 0.30% |
| | Potential | 58.60% | 9.40% | 9.80% |

These categories were then regrouped into three only. For presentation purposes, these three remaining categories are here named:

The 'pale grey' group, (resistant to corruption and not corrupted) consists of the students who answered 'no' to all test questions. They have not participated, nor did they express the willingness to participate in corruption in the future.

The 'dark grey' group (corrupted, potentially corrupt,

and in particular people refusing to answer the question) is made of the students who confirmed they took part in some form of corruption and expressed willingness to do so again, as well as of those students who did not want to answer the question of participation in corruption but also expressed some potential for corruption. It is worth noting that a good part of the students in this group enjoy the support of their parents when using corrupt behaviour to achieve their educational aims and, as a result, they do not feel bad about it.

The 'blank' group (all other categories of students) takes in the largest number of students, in most countries: they are the people showing readiness to participate in some form of corruption. Their high number points to the importance the problem of corruption might take, should the issue be not addressed.

This analysis demonstrates that a high level of corruption in higher education exists in South East Europe and that resistance to a corruptive environment is minimal. Thus, the portion of students who are corrupted stands out in Moldova (50.4%) and Bulgaria (49.4%).

A somewhat different perspective may be obtained if a correspondence analysis is applied to the frequency of some specific forms of corruption within higher education institutions: such analysis seeks to relate the categories in a two dimensional map, and that reveals similar answering patterns among the students in Serbia and Croatia as opposed to the students from Moldova on one side, and the students in Albania on the other. These apparent differences between students in Albania or Bulgaria were evidenced in the questions relating to administration, admission, and bribery (this latter form of malpractice being more prevalent in Albania). While

the forms of corruption related to impersonation are frequent in Bulgaria, the students in Croatia and Serbia are more prone to cheat at exams and have problems with the professors requiring the purchase of their textbook as a condition for taking an exam. Bribing for a mark or for passing an exam is especially common in Moldova.

When asked about different illegal methods of admission, the students confirmed that bribing for access to higher education is relatively frequent – affecting in particular the admission exams. These cases are most widespread in Albania, Bulgaria and Serbia, a result that agrees with the correspondence analysis made earlier. Interestingly enough, related numbers in Croatia are significantly lower. A similar situation exists in specific cases of manipulation of the admission process: Albania is followed by Serbia and Bulgaria in the number of students who confirmed the existence of such forms of corruption. Very large portions of students also know of bribing for a grade or an exam. The highest occurrence is observed in Albania (91.1%) and the smallest in Croatia (55%) and Bulgaria (59.9%). Fewer students think university administration is corrupt, and most of them are then in Albania (34.1%) and Serbia (28.6%); however, a lot of students from Albania (83%), Moldova (69.2%) and Serbia (56.9%) still think that working in administration can prove profitable. Slightly less than 50% of students in most countries had to buy a textbook from a professor as a prerequisite for taking his or her exam. Compared to other countries, a significantly lower number of students have done so in Moldova (31.9%). The cost of such an 'obligation' is easily calculated: it would amount to some 5.000.000 US$ – should all countries covered by the survey be combined.

As for cheating, a different overall distribution may be observed: it is most common in Bulgaria, Croatia and Serbia (more that 73%).

The survey was but the first stage in the programme of the 'Anti-Corruption Student Network in SEE'; the survey results were to be used in a campaign raising awareness of the presence of corruption in higher education systems, in its many forms and shapes. As a counterpoint, this meant underlining the importance of quality, equity, efficiency and transparency in 'true' academic work, thus motivating student representatives to use their rights to create a more transparent university environment; indirectly, this should also encourage the public to address malpractice in higher education and, like in Latvia, help position the 'Network' as an NGO of strategic relevance for solving the problem.

The main and direct target groups of the campaign were not only the students, academic and administrative staff – the 'insiders' – but also the general public, the media and public and private decision-makers – the 'stakeholders'. The key message was that academic malpractice exists and that all and sundry, inside and outside the system, may help tackle the issue through organisational changes geared to quality and equity in education. Despite early denial of the existence of corruption in education, the results of the survey helped put the issue of corruption on the academic and political agenda, thus influencing the reform process.

The campaign, however, was to be free from political parties, thus acting mainly as a respected reference point thanks to clear modalities of independence – being positive in tone, decentralised in structure, transparent in reporting, focused in fact-finding – the outcome

being a presence in society both supportive of and motivating for change.

The first contacts with the media stressed corruption as a factor putting at risk both actual knowledge and future job perspectives. The rule was not to discuss individual cases of corruption, thus preventing sensationalist media coverage, nor to mention the names of people suspected of malpractice, thus avoiding references to actual cases before they had reached a legal epilogue.

The 'Network', as an NGO, also needed to develop its strength at arguing difficult cases: students, however, often lack the knowledge and experience to advocate for their rights. That is why the organisation designed 'induction seminars' for activists, students and student representatives to provide them with some of the skills and practices necessary to implement anti-corruption recommendations – also a part of the Bologna process. To complete action, monitoring study tools were developed that could help follow how specific corruption issues were developing in given higher education institutions, thus providing interested parties with the material for advocacy and other policy changing activities. The main topics monitored and common to all network members – from which they could select particular examples of malpractice to focus on – were academic fraud (cheating, bribery and enrolment process) and financial pressures (the forced purchasing of textbooks and the unfair flow of finances – with special focus on tuition and administrative fees).

Since its survey on the perception of and participation in corruption, the 'Network' has kept the pressure for higher education institutions to deal with academic malpractice; indeed, some forms of corrupt behaviour

have been restricted, greater transparency achieved and the obligatory purchase of textbooks considerably reduced. A lot remains to be done, however. Indeed, no institutional mechanisms to fight corruption have been established yet. Moreover, although this is indirect malpractice only, university curricula and academic learning in SEE universities are not really relevant for today's forms of global modernity! The teaching and examination methods are still fertile grounds for corruption, both at the instigation of students and professors. In fact, corrupt behaviour is widely considered to be acceptable, i.e., a discreet way to solve individual problems: as indicated earlier, malpractice is usually a question of mentality and this does not concur to unlocking the connection between malpractice and the lack of reforms undertaken in higher education institutions in Southeast Europe. One may even wonder whether the implementation of reforms reducing the potential for corruption in the region will only be realised through strong student participation and the setting up of entirely new academic institutions – i.e, entering a revolution rather than a reform of the system. Anyway, a strong need remains for building the social momentum that can lead to solid and fast changes.

*As a conclusion, should students be considered the victims or accomplices of academic malpractices?*

The question lingers whenever and wherever students raise their voice against corrupt university environments. ESU considers that the students are usually the first to suffer the harsh consequences of loss of trust in academia, a fact that widely influences their future

professional and social prospects. The entire university community, however – teachers, administrators and students included –, is part both of the problem and of its solution; thus its members share responsibility, as equal partners, in opening the difficult issues of academic integrity. That is why student unions throughout Europe have carried out serious surveys and conducted large public debates in order to illustrate the real scope and definition of academic malpractices: thus, numerous reform projects have been carried out, support in individual cases provided and attempts made at drawing attention from the wider public to the issue.

Nevertheless, corruption practices – in particular when in the form of sexual harassment and social discrimination – are phenomena involving raw power. From this perspective, it is essential for group relations in HEIs to be strengthened through a common quest for a more ethical and honest university environment. Where student unions are providing incentives for the responsible behaviour of all students, academia has to offer role models of academic integrity; that is deontology: then, and then only, university accountability may mean training future citizens for social responsibility.

Managing integrity:
Policy and institutional perspectives for Egyptian
higher education

*Prof. Hossam Badrawi, Cairo University Medical
school & Egyptian Coalition for Transparency*

Egypt is the largest country in North Africa and in the
Middle East. Its education system is also the oldest of
all. The higher education system now carries almost
2.3 million students, distributed in 18 State universi-
ties which carry the bulk of almost 1.8 millions students
while another 16 private universities accommodate
40,000 students only; there are also 45 State higher edu-
cation non university institutions, of a lesser quality of
service, that cater for some 150,000 students whereas
109 similar private institutions care for almost 370'000
students. The system is a good example of mass educa-
tion, with student bodies amounting to 200'000 people
in one of the oldest higher education institutions, Cairo
University, not to speak of the 400'000 students at Al
Azhar University, also in Cairo. Yet, these many stu-
dents represent only 29% of young people between the
ages of 18 and 23, a percentage that does not represent
the academic aspirations of society.

In any nation, higher education graduates represent the driving force for social change, the motor for the fostering of reforms, the future leaders of our communities and a chosen platform for creativity. That is why we believe that education in Egypt requires nothing less than a major revolution to meet these diverse roles: we must move from the rote memorisation of facts to developing personal capacity for problem solving, from value given to conformity to the support of creativity and imagination, from the wish for obedience to the nurturing of doubt to allow for critical questioning. We must also address prevailing traits of social behaviour and the dominating public discourse insisting on those family values that revere seniority while smothering inquiry by the younger generation. Nothing less will do, if Egypt is to become a dynamic, innovative and learning nation apt for today's emerging knowledge-based society and technology-driven economy[1].

We are heading for a period of major change in education and in working conditions and, like other societies, we are moving to a diversification of courses and of professional careers, a diversity that calls for lifelong learning, that has now become a clear obligation for all. On that basis, there are five main policies that are urgently needed to induce a serious reform of higher education in Egypt:

- Redesigning State responsibility for the higher education system and for academic institutions;
- Preparing higher education to accommodate new enrolments along structured guidelines;

[1] Cf. Ismail Serageldin, *Egyptian Competitiveness Report 2005-2006*

- Shaking up institutions to improve quality;
- Setting up a versatile, flexible system of education that is compatible with the needs for development, connected and exposed to the international trends affecting research improvement and teaching upgrading;
- Committing to integrity, an engagement that needs to be reflected in every institution's mission statement when addressing matters of truth, accountability and responsibility, the essential values that shape institutional honesty and academic freedom.

## A. Redesigning State responsibility for the Higher Education System and its Institutions

The responsibility of the State towards higher education should continue, but in a different format. Higher education should be freed from the domination of both government interests (a situation that too often, over time, drew universities into political positioning) and unregulated profit motivation, a phenomenon that recently developed with the opening up of the higher education system to private universities.

The government's support of higher education should not mean that all institutions of higher education are state owned or managed – the best way to contaminate universities with the corruption culture of public sector practices. That is why, even when 'public' institutions, universities should be governed by independent boards acting as buffers against the state direct involvement, boards composed of representatives of four different groups of interest, the *state*, *civil society*, *academia* and the *private sector*.

Such a multiple constituency – that would replace government-only representation – is needed to turn institutional accountability to society into a reality. A transitional period of five years may be necessary in order to build the pro-active capacity of such boards: during this period, an appointment process would have to be agreed by both academia and the State in order to have balanced and effective representation of all four groups.

In particular, this would mean encouraging private sector involvement in higher education, a fact to be counter-balanced by strong quality assurance and a transparent accreditation system; temptations at commercialisation might be avoided by developing and implementing clear student finance systems. Indeed, profit motivation in higher education activities should be regulated to ensure the universities remain institutions of public interest, a clear distinction being made between State regulation (at macro-level) and State control (at micro-level). We should not retain the *status quo* in shaping new developments, whether they refer to State owned or privately financed organisations. A third option would be the creation of non governmental, non-profit organisations like in the US but the economy in Egypt is not strong enough yet to feed such a system of what the British call 'charities': this should not be excluded, however, since cooperative funding through endowments could flow from the improving economy of the country and the growth of institutional wealth.

As part of its responsibility for higher education, the State should no longer deal with universities as public sector entities or with university staff as civil servants and government employees but it should heavily invest in the system as a whole by:

- Doubling the national and social *funding of public higher education*, once every three years for the coming nine years. Special attention should be given to those institutions with a potential for world-class research;
- Increasing the efficiency of institutional use of resources through *good governance*;
- Maximising the knowledge and *societal return* from those institutions;
- Reforming the administration of higher education institutions.

To bring to fruition such tasks, the institutions of higher education should be granted increased autonomy and be encouraged to seek systematically for strengthened ties with other regional and international institutions or networks. This would imply that all public institutions in Egypt would be:

- Financially accountable;
- Subjected to strict accreditation systems and to rigorous quality monitoring; and
- Committed to codes of institutional integrity.

### B. Higher Education Expansion

Only 29% of young Egyptians, in the 18 to 22 age cohort, are enrolled in the higher education system of the nation – a total of already 2.3 million students – as mentioned earlier. To reach what is called 'universal' higher education in Western countries, Egypt will need to increase the participation rate in the tertiary field, thus preparing the manpower needed to develop the country further. As the total population keeps growing, however, targeting 50% of the age cohort for higher education

means that the number of students should double in the next ten years and reach some 4.5 million. Such a large expansion needs to be carefully designed, remembering that, in the recent past, expansion has led to the deterioration of quality in existing institutions – a trend that translated into reduced management efficiency, and the emergence of corruption.

Institutions of higher education, both old and new, should strive to remain of high quality, i.e., be both diverse and flexible, with a strong focus on the fields and institutional forms of activities that enhance scientific and technological progress.

Can the State alone balance the tensions between quantity and quality, in other words: can it sustain the needed expansion while ensuring quality education? The answer is definitely 'No'. But then, who can? To meet such a challenge, Egypt needs:

- Creative Public *and* Private Initiatives (going beyond the politically correct, what I call 'out of the box thinking');
- Private not-for-profit initiatives;
- Private sector investments that are transparently regulated.

This entails that, at present, no new institution, be it public or private, should be set up unless it can offer high quality standards. I believe that public/private initiatives can be the spearhead for such developments – for the time being. The State should create the environment allowing for the success of such initiatives, thus inducing the potential for change.

Along the Nile, nobody would argue against the private sector's enormous value as far as the global research enterprise is concerned. Imaginative proposals

must be found, however, to create true partnerships that benefit both Egypt and the advanced industrial countries in order to advance R & D locally and regionally. This is a topic that needs urgent attention, not only in terms of legislation but also to improve the climate that supports research creativity.

### C. A Powerful Shake-up to Improve Quality

A powerful shake-up to improve quality is highly needed in the present Egyptian institutions of higher education: this means improving standards and defining indicators that can clarify and strengthen the quality assurance and accreditation procedures that are supposed to structure the system of higher education in the country. As part of an integrated plan to improve quality, compensations for higher education faculty and staff members should be increased to account for performance evaluation.

Accreditation, both academic and institutional, can only serve its purpose if the accrediting body is totally independent from government control, particularly as far as government-owned universities are concerned, a situation that is being resisted in many places since it could expose the defects of the current system. In State-owned institutions, however, decentralisation, which implies some kind of autonomous budgeting, should become the rule and be correlated to university ratings, world-class research activities and to the number of their students.

Many, in academic and political circles, consider that the implementation of quality assurance measures compatible with the international standards for higher education applied in Europe could represent in Egypt

a basic policy not be compromised with, under any cir-
cumstances, a policy that should lead to a better educa-
tional provision and to the restoration of institutional
integrity, where needed.

Teaching and research capacities should be en-
hanced, and facilities improved, to cater for the grow-
ing number of students. This entails effective staff sup-
port and development programmes that may improve
the competencies of faculty and administrators through
training, research, and study activities organised in
Egypt and abroad, this amounting to some kind of 'in-
duction work', especially at the time when new faculty
responsibilities are being taken up.

To support integrity, competition for faculty posi-
tions should be the only way to enter university serv-
ice. Tenure should be a reward only for those professors
proving exceptional performance but, to ensure col-
lective understanding of teaching and research duties,
the creation of scientific professional organisations for
academics and researchers should also be encouraged;
university presidents and top administrators should be
chosen via transparent methods, the stakeholders hav-
ing their say in the nomination process, and they should
be held accountable for their performance as related to
given institutional objectives.

Only freeing the system from repetition and rou-
tine while increasing its flexibility and making it more
adaptable to the needs of development will improve the
quality of higher education in Egypt. This also implies
reforming the student input into the system, thus modi-
fying the rules governing enrolment: rather than relying
solely on the score of public examinations, institutions
of higher education should introduce a system of admis-

sion tests, tailored to the needs and strengths of each institution – in other words, the system should take account of the growing diversity of the offer coming from different universities, making effective the kink between offer and demand. And that link should become an important component of the accreditation system, since its effectiveness would represent a target standard of quality that need to be strictly enforced.

*Quality and integrity are interrelate indeed*. If many would argue that a large part of the challenge consists in enforcing codes for institutional integrity that would uproot long standing routines of corruption in the system – a system that suffers from malpractice, fraud, plagiarism, or result fabrication if not, sometimes, from violation of student rights –, many would also contend that the route of quality assurance and the subjection to accreditation and external independent auditing may represent the easiest approach to real improvement.

Without institutional integrity, indeed, no true excellence can be expected or achieved, neither in teaching nor in research. Without integrity and agreement on the standards needed to tackle conflicts of interest, especially within the institution, quality will be at risk while cost effectiveness in the management of university budgets could be easily bypassed, although a fundamental rule of institutional behaviour.

### D. Higher Education and Development Needs: the Conditions of Integrity

#### D.1 Flexibility and Versatility of the System

Only a versatile and flexible system of higher education

can be compatible with the needs of development. To achieve such versatility, basic programmes should not be replicae of older ones (too often routine is the garb of supposedly new programmes that simply contribute to keeping the *status quo*). At policy level, greater attention should be paid then to higher education institutions that are no parts of universities but are free and *interested to innovate*.

Versatility also means an emphasis on the *productive functions* of institutions of higher education, a function that can boost both their financial and research resources; autonomous multidisciplinary R & D centres should be created in active partnership with the State, the private sector, and civil society. Such approaches, new to Egypt, carry risks and opportunities – also for people looking for quick monies: this points once more to the need to ensure and favour solid institutional integrity in universities.

Flexibility on the individual level means the freedom to leave and to return to various institutions of higher education; flexibility on the institutional level means that the structure of institutions and the content of their programmes are continually questioned by governance boards to offer fitting responses to local and international developments.

Much of the originality and flexibility in the system can be achieved through the use of credit hours, since such a system allows for the validation of learning acquired either in the initial or continued education received in different universities; such credits can be accumulated to obtain a degree in due time – i.e., at any period of life.

Integrity may also be best ensured if students are able to enter the academic world at any moment of their professional life – while coming from varied backgrounds. Undergraduates should have access to a diversity of programmes, including opportunities for multidisciplinary studies, the development of language proficiency and the ability to use new information technologies.

Quadripartite representation in the governance of institutions of higher education, as mentioned earlier, would greatly support flexibility and offer a platform for accountability.

## D.2 Readability of the System

The international recognition of any higher education system – and its potential for attractiveness – should be directly related to its external and internal readability. A three-cycle degree system should become standard for the purpose of international comparison and equivalence, very much on the lines of what the Bologna process tries to do for Europe.

In terms of teaching, international recognition of the first cycle degree as an appropriate level of qualification is important for the success of this endeavour, if we really want to make our higher education schemes understandable to all. In the graduate cycle there should be a choice between a shorter master's degree and a longer doctor's degree, with possibility to transfer from one to the other, but, in both such graduate courses, appropriate emphasis should be placed on research and autonomous work.

In terms of research, new scientific and technological projects should be decided on the basis of input from

expert reviewers, each project or programme being assessed both for its technical merit and its potential benefits to society. All existing research programmes and centres of excellence can similarly benefit from periodic expert review and evaluation. Techniques for such procedures should include, as appropriate, peer-review teams, relevance-review panels, or benchmarking studies. Teaching and research in universities must be inseparable, rejecting dogmatism and thus always open to dialogue.

## D.3 Higher Education Institutional Autonomy

'The university is an autonomous institution at the heart of societies; it produces, examines, appraises and hands down culture by research and teaching. To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power'. So says the *Magna Charta Universitatum*, that adds that 'a university is an ideal meeting ground for teachers capable of imparting their knowledge and well equipped to develop it by research and innovation, and students entitled, able and willing to enrich their minds with that knowledge'.

It also points – and Egyptian universities would concur to all such pronouncements – that the 'university's constant care should be attaining universal knowledge'. Also important for us, the 1988 charter claims that 'to fulfil its vocation, university work should cross geographical and political frontiers, thus affirming the vital need for different cultures to know and influence each other'.

*D.4 Higher Education Academic Freedom*

To attain the goal of integrity in a national and international environment, universities must, with their partners, work for the respect of such principles. Thus, each higher education institution must not only ensure the free initiatives of its staff but also – another principle of the *Magna Charta Universitatum* –, safeguard its students' freedoms so that they enjoy the conditions allowing them to acquire the culture and training which is their purpose to possess.

In other words, ***academic freedom is the intellectual and creative foundation of the university***. This concept should be clearly stated as it applies to all members of the faculty, be they part-time or full-time and this includes graduate assistants.

As a result, in the universities we ambition to develop, also in Egypt, the faculty and administration should accept jointly the responsibility for maintaining an atmosphere in which scholars may freely teach, conduct research, publish, and engage in other scholarly activities.

This responsibility includes maintaining the freedom for the examination of controversial issues throughout the University, including through classroom discussions when such issues are relevant to the subject matter of the course.

University should not attempt to control personal opinions, nor the public expression of such opinions, be they those of any member of the faculty or staff of the institution. But in doing so, employees have an obligation not to commit their institution to intellectual and social stands that have not been approved by the institution, as a collective. Individual academic freedom

for study, inquiry, research, and debate is indeed conditioned and balanced by a commitment to pursue the institution's stated mission.

Faculty are expected to pursue truth and knowledge and are conferred the right to research, teach, and discuss any topic without being subject to university or system discipline or censorship. However, teaching staff – as well as administrators – are expected to prize accuracy, to exercise appropriate self control, to show respect for the opinions of others, and thus ensure the academic freedom of students and their rights of access to the University.

### E. Education Commitments to Institutional Integrity

To reflect on collective integrity, we may get inspiration from the Northwest Commission on Colleges and Universities, in the United States, in particular from its 'standard 9'. It points that an institution maintaining its integrity is an institution, which is *not suffering from, or is successfully fighting against corruption, fraud and malpractice*. The Bucharest Declaration from 2004 states that the key values of an academic community based on integrity are: *honesty, trust, fairness, respect, responsibility and accountability*. It also underlines that such values are 'not only significant in themselves, but also crucial for the delivery of effective teaching and quality research'.

The 2006 *Statement of Concern* proposed by the Collegium of the Magna Charta Observatory adds that '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.

It should also be borne in mind that the questions of integrity are relevant for every aspect of academic life. In spite of the fact that administrative malpractice or departure from values of academic freedom and fundamental principles of scientific research may be more evident, integrity in the processes of teaching and learning, as well as consideration of ethical and moral standards in research activities are of equal (if not higher) importance. Furthermore, questions of integrity in the wider society (e.g. democracy, human rights, rule of law) are, by definition, essential for a key constitutive part of that society – higher education.

Every higher education institution should adhere to the highest ethical standards in its work and presentation to its constituencies and the public; in its teaching, scholarship, and service; in its treatment of students, faculty, and staff; and in its relationships with regulatory and accrediting agencies. This means that:

1. the institution, including its governing board members, administrators, faculty, and staff, should subscribe to, exemplify, and advocate high ethical standards in the management and operations and in all of its dealings with students, the public, organisations, and external agencies;

2. every institution should regularly evaluate – and revise as necessary – its policies, procedures, and publications to ensure continuing integrity throughout the institution;

3. every institution should profile itself accurately

and consistently to its constituencies, to the pub-
lic and prospective students through its publica-
tions, and official statements;
4.  every institutional policy should define and pro-
    hibit conflict of interest on the part of govern-
    ing board members, administrators, faculty, and
    staff;
5.  every institution should demonstrate, through
    its policies and practices, its commitment to the
    free pursuit and dissemination of knowledge, in
    terms consistent with the institution's mission
    and goals.

### E. 1 Policy for Institutional Integrity

By academic tradition and philosophical principles, an
institution of higher learning is committed to the pursuit
of truth and to its communication to others. To carry
out such an essential commitment calls for institutional
integrity, a college or university managing its affairs in
ways that specify institutional goals; help select and re-
tain faculty; allow to admit students, establish curricula,
determine programmes of research, and to fix fields of
service.

The maintenance and exercise of such institutional
integrity postulates and requires appropriate autonomy
and freedom, as mentioned above. To say it in other
words, this amounts to the freedom to examine data,
to question assumptions, to be guided by evidence, to
teach what one knows as a learner and a scholar. This
entails freedom from unwarranted harassment – which
hinders or prevents a college or university from getting
on with its essential work.

In terms of resources, if it must be managed well and remain solvent, ***a college or university is certainly not a business or an industry***. If it must be concerned with the needs of its community and its country, an institution of higher learning is not a political party or a social service either. It must be morally responsible, certainly, but, even when religiously affiliated, like Al Azhar University in Egypt, it is not a religion nor a mosque.

A college or university is simply an institution of higher learning. Those within it have, as a first concern, to cultivate evidence and truth rather than abide by the particular judgments of institutional benefactors, the concerns of religious authorities, the needs of public opinion, the effects of social pressure, or the dictates of political proscription.

To follow on that general concern for intellectual and academic freedom exist specific responsibilities. Thus, on the part of boards and administrators, there is the obligation to protect faculty and students from inappropriate pressures or destructive harassment. As for the faculty itself, there is the obligation to distinguish personal conviction from proven conclusions and to present relevant data fairly to students because this same freedom asserts their right to know the facts. From the side of students, there is the obligation to sift and question information, to be actively involved in the life of the institution, but involved as learners at appropriate levels. The determination and exercise of the students' proper responsibilities should be related to their status as undergraduate, professional, or graduate students.

Intellectual freedom does not rule out commitment, rather it makes it possible and personal. Freedom does not require neutrality on the part of the individual or

the educational institution, certainly not toward the task of inquiry and learning, nor toward the value systems which may guide them as persons or as schools.

Hence, institutions may hold to a particular, social, or religious philosophy, as may individual faculty members or students. But to be true to what they profess academically, individuals and institutions must remain intellectually free and allow others the same freedom to pursue truth and to distinguish the pursuit of it from a commitment to it. As a result, all concerned with the good of colleges and universities should seek ways to support their institutional integrity and the exercise of their appropriate autonomy and freedom.

The challenge and the great difficulty in assuming and honouring those policies is the fact that we cannot separate the higher education institution from the surrounding environment in the country. It is not enough to have a new legislation or develop a regulatory body, since we have also to consider possible changes of culture in society. Much of the resistance usually comes from those who are in charge of those institutions as well as from those faculty who, over the years, have practiced corruption up to the level they believe important to keep their social status. The acceptance of such behaviour – particularly when facing intellectual frauds, cheating, violation of ethics, benefits drawn from conflict of interests – makes the change more difficult. Should the challenge be faced with a comprehensive reform using a surgeon scalpel, or gradually by imposing rules and regulations, thus building societal support to reform? In developing countries, the challenge is the polyvalence of the problem: indeed, complexity and social intricacies are such that reform cannot be achieved

piecemeal; we need a holistic vision, if we are to enter a comprehensive reform including human rights issue, freedom and democracy, political support and social reform, together with major economic reforms that may induce job creation. Higher education stands as one of the most important pillars for that global approach to reform.

### E.2 Conflicts of Interest

Policies regarding conflicts of interest in higher education and research should follow the ethics and law of society, thus defining the appropriate use of resources and facilities, as well as determining potential personal conflicts of interest. In my opinion, 'no full-time employee in a higher education institution …should engage in any outside employment that substantially interferes with his or her duties, unless clearly stated in the work contract, or being allowed to do so by management. Complaint by any person regarding potential conflicts of interest should be referred for investigation to the appropriate authority within the institution, which has to investigate the complaint. A *Faculty Handbook* should further define conflicts of interest and their relevance for faculty activities'.

These established policies should identify potential conflicts of interest, such as engaging in private business during working hours, entering outside consulting, offering to enrolled students private lessons for a fee, using university resources for private purposes, or accepting gifts from firms which do business with the university.

As for outside professional activity, the institution

should make sure that faculty members, in their official capacity, may cooperate with public agencies on matters of mutual interest or of public benefit as part of the service they render to the university. However, good management would make clear that no engagement shall be accepted that involves a conflict of interest – as prohibited by the applicable state law or university regulations.

*Conclusion*

### *Risk of University Decline*

University history shows that the slow and inevitable decline of academic institutions is brought about by the following:

1. an unconditional submission to the ideological interest of the State, political parties, organised minorities or economic organisations;
2. an excessive preoccupation with current local issues, and faculty self-interest;
3. an acceptance of the *status quo*, implying resistance to develop or change;
4. a disregard of the universal mission of the university as an institution devoted to teaching and research and in steady search for excellence in these two areas;
5. a use of the two pillars of universal academic values, that of academic freedom and of university autonomy, not for democratic governance or the protection of students and teachers in their pursuit of truth and new knowledge, but as a self serving tool towards undeserved wealth or merit.

It was Albert Einstein who once said: *'The significant problems we face cannot be solved at the same level of thinking we were at when we created them'*. Higher education institutions are expected to be key change agents in developing societies, leading them to the future: to take heed on Einstein, they should not be allowed simply to pick up the fight of past wars – at the risk of decline, thus missing the priority for reform, in their own ranks and, at the same time, in and for society as a whole. To face the future, however, they need to be imaginative and creative, open to the unexpected, otherwise they will reinforce current problems through routine thinking – to their own detriment and that of their surrounding society.

University Integrity:
How to blend practice with principles

*Leta C. Finch, Executive Director,*
*Higher Education Practice*
*Arthur J. Gallagher Risk Management Services Inc.,*
*Vermont, USA*

Several questions were presented to the participants in the Magna Charta Observatory 2007 conference. These included how can universities create and maintain trust and integrity in their teaching and administration? What tools are available to identify, control, and prevent academic malpractices, fraud, and acts of dishonesty? And, how can the academic community abide by its own principles of integrity?

I was asked to provide insight into the ways in which universities in the United States approach these questions.

The term 'academic malpractice' includes a range of misdeeds including, for example, criminal acts, acts of dishonesty, fraud, and ethics violations; all of which can arise from the wrongful acts of students, faculty, and administrators within a university environment.

The foremost malpractice within higher education that appears to be of concern in many parts of the world

is the selling and buying of grades. In the U.S., we have very few cases involving an exchange of money for grades. Although bribery, in its myriad forms, does exist in the U.S., the fact that there is so little of it makes it a cultural abnormality. Another reason that offering or requesting a bribe is not a concern is because to do so is a criminal act enforceable under the law. The penalties are harsh and simply not worth the risk. At the first hint of wrongdoing, a thorough investigation would occur and any evidence of payment for grades would cost the student his or her university education, and the guilty faculty member his or her employment within higher education.

What we have seen, however, is something akin to 'money-for-grades' and that is 'sex-for-grades'. Similar to bribery laws, there are also enforceable laws with severe penalties to protect students from such advances from faculty and staff members.

Of greater concern in the United States are the types of academic malpractice best described by real cases that occurred during the 2006/07 academic year. For example,[1]

- *Cheating*. Students at Duke University, Indiana University, the U.S. Air Force Academy, and Ohio University faced severe academic punishment for their involvement in exam-cheating scandals.
- *Falsifying credentials*. The Dean of Admissions at Massachusetts Institute of Technology (MIT) resigned after it was revealed that she had misrepresented her qualifications on her resume at the time she applied for employment at MIT.

[1]  *Higher Education Sees Rise in Dishonesty*, by Justin Pope, AP Education Writer, Associated Press, May 21, 2007.

- *Conflicts-of-interest*. Some student loan administrators and loan companies are under investigation for their conflicts-of-interest resulting in dishonest advice to students seeking tuition loans.

Consider, however, that there are 17 million university level students attending approximately 4,000 institutions of higher education in the United States. What does a handful of cases such as those cited matter in the scheme of things?

The answer is this: universities are in the business of educating and training future political leaders, scientists, lawyers, doctors, business managers, accountants, and many other persons who will enter the work force with society's expectations that they will be ethical and honest in their professional and personal dealings as a result of their university education. In this respect, society holds universities to a higher standard of morals, ethics, and integrity than almost any other type of organisation or industry, and, in turn, universities hold their faculty and students to equally high standards. This is an intrinsic value of the education universities offer. When that value is diminished in any way, a university's credibility and contribution to society is minimised.

*How the United States combats academic malpractices*

Surely, not all cases of academic malpractice are prevented, but in the U.S. there is little incentive to hide or protect anyone guilty of malfeasance. To do so, particularly en masse, could topple an industry that has built its reputation on academic honesty, integrity, defendable scholarship, and reliable research.

The U.S. higher education establishment has many

mature mechanisms in place that exist only to ensure that universities can be relied upon to operate honestly. The following are the fundamental mechanisms that have proven to be effective.

*Insurance*

The management of wrongful acts in the U.S. is often a primary function of the insurance companies. Almost, if not, all universities purchase an Educators Legal Liability ('ELL') policy. This policy typically provides professional liability coverage that protects a university for lawsuits brought against members of its board of trustees, faculty members, staff, students, and volunteers by university administrators, faculty, or students.

As insurance is expensive and premiums are based on losses, it is to the university's benefit not to have any insurance claims. What prevents a university from not reporting a claim or allegation of a wrongful act is that it is typically more expensive to prosecute or defend a case than letting the insurance company do it. In addition, it is the insurance company that knows how best to settle claims of academic malpractice and can do so more efficiently and cost effectively than the university can.

Typical causes of ELL claims are discrimination and other civil rights violations (i.e. discrimination based on gender, race, and age), breach of contract or agreement, tort claims (i.e. defamation), tenure denial, and retaliation for 'whistle blowing.[2]'

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[2]   'Whistle blowing' is a term commonly used to mean one person reporting another person's wrongdoing. A whistle blowing

The insurance company, however, is not interested in having to pay for a loss or defend a case against the university. To minimise their risk, the insurance company will want evidence that the university has in place a number of preventive measures, such as policies and procedures for such activities as fair hiring and firing, tenure approval, grievance, and sexual harassment. In some cases, they will insist on employee training in these areas, for example, on how to avoid discrimination and sexual harassment.

To reduce the likelihood of these types of claims from arising, universities adopt clear policies, good practices, training, and grievance procedures, and they get early legal advice when first becoming aware of an allegation of malpractice.

### Accreditation

A university's accreditation is the official status or recognition given to it by a body of its peers based on a process of institutional evaluation. The process is largely a thorough review of the institution's academic programmes and faculty members. This includes the academic facilities, the curriculum, professional activities of the faculty and their teaching loads, research oversight, and overall faculty welfare and compensation.

Universities will almost always comply with the recommendations asked by their accrediting body. To lose academic accreditation can mean the loss of fed-

policy generally includes a process to receive anonymous reports, a mechanism for filing complaints, evaluating complaints for legitimacy, a means to take corrective action when called-for, and they disallow retaliation against the one reporting.

eral funds and competitiveness with sister institutions for students. Few students will consider attending an unaccredited university. They know that future employers will not view their education as valid as that of an accredited institution. Accreditation is simply evidence that an institution has met and maintains the highest possible standards.

*Single Tiered Governing Board*

All public and private universities have a single tiered governing board structure, as required by U.S. law. The role of the board is to govern the institution from the highest level. For example, the president of the university is hired by the board, reports to the board, and can be fired by the board. U.S. law holds the board ultimately accountable for the health and welfare of the university, and as such, board members assume a great deal of fiduciary liability exposure that could result in civil and criminal actions if found guilty of malfeasance.

Occasionally there may be one or two board members who act out of self-interest, but rarely is the board as a whole found to have acted intentionally to commit an act of wrongdoing.

To increase financial security and to catch acts of financial fraud, the board has two standing committees independent of one another; the finance committee that oversees the revenue and expenses of the institution and the audit committee that monitors the work of the finance committee. As part of the checks and balances of these committees, the chair of the audit committee does not serve on the finance committee. This practice helps to ensure that there is a balance of power between the two committees.

*Sarbanes-Oxley Act*

Five years ago, in response to Enron Corporation's financial fraud and ultimate collapse, the U.S. Congress passed what is called the Sarbanes-Oxley Act. Although the Act applies specifically to for-profit, publicly traded companies for purposes of improving the accuracy of their financial reporting, many universities have adopted several of its stipulations believing that they make for better governance. Among these are:

- A written business code-of-ethics for senior financial managers that addresses, among other things, compliance with all applicable government laws, rules, and regulations and the prompt reporting of any code violation to an appropriate person;
- A confidential reporting mechanism for 'whistle blowing' with an anti-retaliation provision;
- Refinement of the institution's financial certification process and financial disclosures; and
- Written and implemented internal controls to minimise the opportunity for financial fraud.

Another reason higher education is beginning to comply with certain aspects of Sarbanes-Oxley is because there is the expectation that the Act may eventually apply to them as well.

*Internal Audit*

As a best practice in higher education, universities these days typically have on their staff an internal auditor that reports directly to the board of trustees, or the institution obtains outside audit services. In either case, the role of the internal auditor is to provide the following basic services:

- To assess the effectiveness, reliability and integrity of administrative and accounting controls, and the means for safeguarding the institution's assets;
- To ensure the institution's compliance with relevant external laws, rules and regulations; and
- To review the institution's compliance with its own internal policies and procedures.

As the reader can imagine, the role of the internal auditor is significant and one that is empowered to ensure wrongdoing does not occur.

## *Bond Ratings*

Universities will issue bonds in the millions of dollars for many purposes; the most recently cited reason of the last decade is to modernise campuses in order to stay competitive. Students are selecting their university on amenities such as state-of-the-art student centres with physical fitness facilities; more sophisticated dining facilities; electronic libraries, now known as information commons; and wireless technology in every dorm room. Nor do they want to share a room: so new residential facilities are being built to accommodate one student to a room.

To become creditworthy, universities will often obtain a rating from a bond-rating agency, such as Moody's, Standard & Poor's, or Fitch Ratings. Also, a credit rating makes investors more comfortable and it often reduces the cost of borrowing.

The rating agency will review and verify an institution's:

- Debt Structure;
- Financial Condition;

- Management practices of the board of trustees and administration.

Fitch Ratings has said that 'it views the increasing voluntary adoption of the Sarbanes-Oxley Act in higher education as a best practice for improving accountability, transparency and disclosure within the sector.'

The higher the investment grade given a university, the greater the evidence and assurance the bond rating agency has that it is in good financial standing and that there exists financial oversight and anti-fraud mechanisms. The incentive for the university to provide accurate and verifiable data is that the penalties for lying are heavy.

*Tenure Review*

In the United States, tenure is an earned privileged, not a right of employment. The tenure process is selective, and each candidate proposed for tenure must be approved by the institution's board of trustees.

Recommendations to the board for faculty tenure are typically made on the bases of a particular candidate's years of service to the institution; their reputation within the academic community; the integrity and honesty of their scholarship; and the quality and effectiveness of their teaching, research, and writing. The review process is rigorous and stringent. For this reason, there is little opportunity for a faculty member who has been committing fraud or other malpractices to obtain tenure. If malpractices were occurring, the tenure review is the opportunity for it to be discovered and disclosed.

*Institutional Policies and Procedures*

Written policies and procedures link the university's expectations with its day-to-day operations and make it clear to staff and faculty members what is expected of them. Policies and procedures define roles and responsibilities, and they can help eliminate misunderstandings.

Policies tend to define a university's rules, explain why they exist and when they apply, describe who they cover, explain how they are enforced, and the consequences for failure to comply.

Procedures define specific actions and they explain when to take those actions.

Typical university policies and procedures will state that all persons are expected to act in accordance with laws and regulations at all times. In the U.S., this includes laws preventing discrimination, sexual harassment, and the reporting of any knowledge of malfeasance, to name a few.

*Background Checks*

These days, almost every university in the United States has a background check policy in place or they are considering one.

Typically, background checks include staff, faculty, students, and in a growing number of cases, volunteers. There are many reasons for this, among which is the notable case of Professor Paul Krueger.

Dr. Krueger taught at Penn State before it was revealed in 2003 by the local press that he had been convicted of a triple homicide in Texas when he was a teen-

ager. Penn State had not done a background check on Dr. Krueger. [3]

Another reason for increased interest in doing background checks is the growth in federal and state laws and regulations which impose expectations on the university to do background checks.

For example, as a result of two students being murdered by students at University of North Carolina's (UNC) Wilmington campus, North Carolina introduced legislation to require criminal background checks, including finger-printing, on all new students admitted to any UNC system school.[4]

Then there is the threat of terrorism. The USA Patriot Act is often cited as a reason for increased scrutiny of employees, in particular foreign nationals.

Some insurance companies are refusing to quote rates if there is not a background check policy in place for staff and faculty. An underlying reason may be the fact that a growing number of workplace violence lawsuits has resulted in an employer's liability from alleged negligent hiring, retention, and promotion.

*Conclusion*

Although U.S. universities have many built-in safeguards to prevent incidences of malpractice from occurring, we still do not always do a good job of policing

[3]  'The Price of Murder,' The Chronicle of Higher Education; Volume 50, Issue 3, Page A8; September 12, 2003
[4]  'Bill would require fingerprinting by 16 campuses: Purpose is to learn more about students who apply to UNC,' Raleigh News & Observer; Monday, May 29, 2006

ourselves. As illustrated in the opening of this paper, such occurrences happen, and each time they do, the value and integrity of universities everywhere suffers for it. We will continue to subscribe to be honest in our dealings and will struggle with maintaining our high standards in the process. Morality can not be legislated, but we can have good policies and practices that are enforceable, and we do enforce them. The personal and professional costs for anyone contemplating violating any of the laws and regulations is most often too great to wilfully violate them.

*Postscript*

There were many thoughtful and insightful presentations at the conference on ways in which to combat at many European universities the culture of tacitly accepting the academic malpractice of buying and selling grades.

Although studies were presented indicating that the existence of such corruption is considered commonplace, particularly within those fields that prepare students for lucrative professions, such as medicine and law, there is little effort to eliminate the practice. And, according to the presenters, rare charges of corruption evidently do not lead to punitive convictions or negative consequences.

There was considerable discussion about the intellectual theory of corrupt behaviour and how to change that behaviour by taking a philosophical approach to minimising academic malpractices by encouraging and modelling better ethical behaviour.

What was most revealing was the student panel

which presented data on the negative impact the opportunity to buy grades has on student learning and their moral development. It was the students' plea for those in leadership to do what they could to stop the practice, to stop looking away, to stop participating, to enforce rules, and to prosecute those proven to have broken applicable laws.

*A philosophical belief that better role modelling and greater ethical expectations of faculty will have any impact in eliminating malpractice is, to this American, an indication there is no real desire to eliminate the practice, for whatever reasons.*

A more practical approach is to develop laws and regulations that make such behaviour punishable with a concerted effort to enforce such laws and regulations. Such actions will, by far, have a greater impact on changing behaviour and elevating rigor and learning at those European universities wishing to grapple with this problem.

## Closing Remarks

*Koen Geven, Chair*
*European Students' Union, Brussels*

The cooperation between the Magna Charta Observatory and the European Students' Union for this seminar is a unique partnership grounded in the complexity and importance of various forms of academic malpractice that corrupt our higher education systems – particularly in Europe. The question is less and less of a taboo and, in recent years, student unions have increased thus trying both to protect the rights of their members and to show their concern about the values which should underpin their education. Seeing that this concern is also taken up by the Observatory, an institution that acts as a moral authority in all discussions related to higher education, can only comfort the students' views and show, happily, that higher education institutions are indeed worried about the assaults, internal and external, that their basic values may suffer in everyday university routines.

That these worries are grounded in reality has been visible throughout this joint conference of ESU and

the Magna Charta: *academic malpractice* is certainly
a disease that affects all regions and all universities in
Europe. In any form it takes – giving students a higher
mark because of personal relations, cheating in exams,
asking for bribes or sexual favours – it contaminates stu-
dents, teachers and administration equally. In the inter-
net age – when borders and responsibilities turn fuzzy,
when producers of information are difficult to pinpoint
and degrees represent simple products on the market-
place – this problem seems doomed to grow.

Moreover, there is a danger that the discourse in
which academic malpractice is presented dresses up
parts of the problem hiding the fact that, in its most
extreme forms, academic malpractice becomes sheer
harassment or corruption, which are criminal offences.
These issues, however, are still embedded too often in
institutions that lack internal accountability and thus
cannot develop real responsibility for a given behaviour:
then, at most, they remain a *discourse* on academic mal-
practice, often a way to say things in a polite and diplo-
matic way. But strong words must be used for strong of-
fences: therefore, the use of words such as 'corruption'
and 'sexual harassment' in debates on higher education
should not be feared.

Using strong words has another benefit than pay-
ing tribute to what really happens within higher educa-
tion. When professors were arrested in Serbia this year,
not only the academic community felt embarrassed
and shocked, but the wider community as well. Strong
words can put this problem prominently on the agenda,
asserting reasons for reform and improvement.

The solutions presented during the conference are
tools to be used inside higher education institutions to

give students and academics a possibility to bring their problems to the surface in an easy way. This has traditionally been the responsibility and self-perception of students' unions – more seldom those of the teachers' unions. However, all should be better equipped to deal with problems related to academic misconduct – personal or institutional. This would mean, for instance, stronger and more autonomous student unions, seen as full partners in the higher education community, important actors in the solution of such problems. Stronger actors would also need procedures, transparent, trustworthy and easy to use that they could rely on. Some institutions have already ombudsmen who can deal with complaints and unfair situations – but this too often keeps the matter at the institutional level without exposing the university to the knowledge of the academic community as a whole, whose condemnation could bear on the need for change in unfair situations. My belief is that students will continue to be the actors to push the issue higher up the agenda and that this could mean even complaint structures with an international weight that could be referred to by all.

Students and other members of the university thus need a respected and trusted actor who can help them through higher education bureaucracy. An ombudsman, with European standing, extending the model of Sweden, could be helpful to increase the visibility of academic malpractice and to improve the management of integrity – to quote the title of this Bologna conference. However, this must be accompanied by efforts made to improve the culture of integrity within institutions, thus reinforcing the responsible behaviour of all members of the higher education community. Installing an ombuds-

man must therefore go hand in hand with the development of institutional codes of conduct that frame the rules of academic behaviour based on the values that make the specificity of the higher education sector.

Even during and after ESU and Magna Charta cooperation, there are students, members of higher education and the wider society who continue to suffer from academic malpractice in its multiple forms! The problem seems never solved for good. Indeed, students need the Magna Charta Observatory to continue work on the ethical dimension of higher education as the Observatory needs the students to keep close to the many forms malpractice can take in everyday university life. Therefore I do not only hope but am sure that the present cooperation between the Magna Charta Observatory and the European Students' Union on the project of malpractice only represents a start for a fruitful and continued relationship between the two organisations.

The speakers

**Badrawi Hossam** teaches obstetrics and gynae-
cology at the Medical School of Cairo University af-
ter specialisation and postgraduate work in the US, at
Wayne State University, Detroit, North Western Uni-
versity, Chicago, and Boston University. As member of
the Egyptian Parliament, he chaired from 2000 to 2005
its Committee for Education and Scientific Research
and its Committee on Intellectual Property Rights. As
a medical specialist, he contributed to the new health
vision developed by the ruling party. He is a member
of the Supreme Council for Human Rights created
in 2004 on the recent wave of democratic reforms in
Egypt. Personally involved in the fight against corrup-
tion within Egyptian civil society, he is also a founding
member of the board of 'Arab Parliamentarians against
Corruption', a foundation created to fight corruption in
the region. Next to his political commitments (that led
to missions for UNESCO or the World Bank), he man-

ages a health care company in Egypt since 1989 and a prestigious private hospital since 1982.

**BARBLAN ANDRIS,** Swiss national (1943), was educated 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 World 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 Fundamental Values and Rights, Bologna, he also consults the Mario Boella Institute, Turin, on knowledge development strategies in European cities.

**DAXNER MICHAEL**, Austrian and German (1947), graduated from U Vienna (Education, Philosophy, English and American Literature) and received his PhD in 1972. His first assignment was in the Austrian Ministry of Higher education. He changed to 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. Member of the Collegium of the Magna Charta since 2002 he has been appointed President of the Collegium in June 2007.

FINCH LETA, who studied in Hawaii and Vermont, in particular insurance and public administration, was the founding Director of the Institute for financial Services at Champlain College and she held the same position for Risk Management at the University of Vermont – where she also taught in the division of business administration. At present, she is executive Director of 'Arthur J. Gallagher's Higher Education Practice', a consultant firm for the management of higher education institutions. She is a member of the University Risk Management and Insurance Association (URMIA) and has served as its president. She has been active in several cooperative ventures of US universities with Central Asian, Russian and Ukrainian partners. Thus, she has served as a trustee of the American University of Central Asia and, at present, is a member of the International Board of Trustees of Samara State University in Russia.

GEVEN KOEN, a student of political science at the University of Amsterdam, has been strongly committed to student representation over the last few years, first as a project coordinator in the development of student indicators for quality assurance in the Netherlands, then as a member of the executive committee of the Dutch National Union of Students (LSVb). He developed there a great interest in international relations, representing his

union for several years on the Board of ESIB, and acting as a member of the Dutch delegation to the Ministerial meeting organised in 2005 in Bergen to assess the development of the Bologna process. In January 2007, he started a one year mandate as the chair of ESIB – now ESU, the European Students' Union – for which his priorities are the development of the organisation's agenda for equal opportunities and the profiling of student opinion at the core of the debate on the future of higher education, by using in particular the opportunity of the 25th anniversary of the European student movement in October 2007.

**POPOVIC MILICA**, a student in the Department of International law at the University of Belgrade has been the 'student rights officer' on the executive committee of the Student Union of Serbia since 2005 and, in 2007, has also been acting as a member of the executive committee of ESU, the European Students' Union. She has been involved in the UNDP Belgrade office where she worked for the Judiciary reform and Rule of law cluster. She has also been interested in questions of gender equality, both in the framework of the Balkan Youth Health Project of CIDA (the Canadian International Development Agency) and, in 2006 and 2007, as a member of the ESU Committee on Gender Equality, a question she first engaged in (from 2002-04) as a part time legal assistant of the Central European and Eurasian Law Initiatives of the American Bar Association office in Belgrade.

**SAJO ANDRAS,** a Hungarian citizen, is a professor of law at the Central European University in Budapest

where he chairs the Comparative programme in Constitutional Law. He regularly serves at the Global Law Faculty at the New York University School of Law as well as at the Cardozo School of Law of Yeshiva University, also in New York. He has held fellowships and visiting professorships at major universities in Western Europe, the US and Australia and has also acted as a consultant to the World Bank and the United Nations Development Programme, helping in the drafting of various constitutions and other legal regulations. In his country, he has served as the principal draftsman for Environmental legislation (1991-92), while acting as the legal Counsel to the President of the Republic (1991-92) before becoming the chair of the Drafting Commission for the Broadcast law (1994). He has published extensively on constitutionalism, the rule of law and telecommunications law.

**Vukasovic Martina**, a Serbian citizen, is now the director of the Centre for Education Policy in Belgrade while finalising at the same time a European Master in Higher Education at the universities of Oslo, Tampere and Aveiro as part of the *Erasmus Mundus* Programme. Before that, she worked as a Programme officer in the Alternative Academic Educational Network in Serbia (AAEN) and also spent a year at the Council of Europe in Strasbourg as an intern in the Division for Higher Education and Research. Her interest for higher education had developed earlier during her six years of commitment to student work, first in the Student Union of Serbia and then in ESIB – the National Unions of Students in Europe (now ESU) – an association she chaired in 2002.