

ANTI-CORRUPTION COMPLIANCE IN HIGHER EDUCATION: FOREIGN EXPERIENCE AND UKRAINIAN PRACTICE

Yuliia Lomzhets, Mariia Tsypiashchuk & Oksana Bronevytska

Association of Legal Clinics of Ukraine, Ukraine

Ninety one percent of Ukrainians consider corruption a serious or very serious problem (National Agency on Corruption Prevention, 2020). The legislation of Ukraine defines corruption as the actions by a person who has been granted official powers, or has powers associated with opportunities, to obtain unlawful benefit or receipt of such benefit or receipt of a promise or offer of such benefit for themselves or others, or respectively the promise, offer or granting of an unlawful benefit to the person or upon their request to other persons or entities, with a view to persuade the person to unlawfully use the official authorities or associated opportunities granted to them (Ukrainian Government, 2014).

Corruption in Ukraine permeates all spheres of life, and education is no exception. Society is convinced that corruption in higher education is a systemic phenomenon, and the administration of modern higher education institutions (hereinafter the HEI) are not able to combat corruption risks. (Kremen, 2016)

In 2017, the 'Regional Center for European Integration Projects', NGO conducted a study of the transparency of the anti-corruption policies of Ukrainian HEIs. Anti-corruption programs of 165 universities were researched, and anti-corruption programs were posted on the websites of 71 of them. Their average level of transparency in the respective index of anti-corruption policy is 40.27%, while for other institutions (who have not published their anti-corruption programs) is 28.72% - thus lower for those who, probably, have no anti-corruption programs (National Agency on Corruption Prevention, 2019).

Current Ukrainian legislation urges every state university to implement risk management, as well as to have an anti-corruption commissioner (Derkach et al., 2022). Anti-corruption policies and actions are also an integral criterion for the accreditation of free (financed from the relevant budget) educational programs. At the same time, no local comprehensive study has been conducted so far to assess the quality of the organization of this process. So, this opens the prospect of a plethora of important questions that need to be answered, e.g.:

1. how does the university educate its students and faculty, including academics and administrators, to understand corruption and practice a zero-tolerance approach to corruption?
2. whether and by what methods are the assessment of corruption risks carried out?
3. who are the anti-corruption commissioners appointed at the universities and do they undergo high-quality specialized training?
4. what algorithms of actions should be applied given the corruption risks/violations that are being detected?
- 5.

According to our analysis, the need to raise the quality of corruption prevention measures in higher education is beyond any reasonable doubt. At the same time, students, as consumers of educational services, know neither the mechanisms for protecting their rights, nor the basics of academic integrity, because there is no mechanism for interaction between students and anti-corruption commissioners in HEIs.

All the above-described issues are indicative of insufficient understanding at the national level of the state of anti-corruption work within HEIs, poor quality training of commissioners, and, as a result, the overall ineffectiveness of such work. To resolve these deficits requires a systematic study of the ongoing situation, enhancing the competence of anti-corruption commissioners, building up and incorporating a zero-tolerance anti-corruption culture. None of these elements has been systematically implemented yet.

For these reasons, from June 2021 to February 2022, the Association of Legal Clinics of Ukraine

(ALCU) in partnership with the National Agency on Corruption Prevention (NACP), with the support of the USAID Support to Anti-Corruption Champion Institutions (SACCI) Program, implemented a large-scale project, "Anti-corruption compliance in HEIs: from identifying risks to overcoming them". Project goals were:

- Promotion of integrity and good anti-corruption practices in higher education.
- Analysis of corruption risks in higher education.
- Research of the profession of anti-corruption commissioner of a higher education institution.
- Establishing interaction between anti-corruption commissioner and students.
- Formation of the anti-corruption experts in the field of higher education pool in all regions of Ukraine.

Key objectives of the project were to search for the most typical corruption risks affecting higher education and to create a catalog of these risks. For this purpose, the research group of the project:

- Analysed freely available open sources (judicial registers, online procurement systems, information from mass media, social networks, previous national and foreign research on corruption risks in higher education).
- Conducted a national survey among the students of higher education institutions from all over Ukraine.
- Carried out in-depth corruption risks monitoring and assessment in five pilot universities, based on adapted NACP Methodology on Corruption Risks Assessment.

As a result, an the expanded register was formed, including 55 corruption risks in four main areas of higher education environment: educational process, scientific activity, administration, and external partnerships of higher education institutions. The top 25 most typical corruption risks in higher education of Ukraine were singled out from the expanded register (Tsypashchuk et al., 2022).

Due to the full-scale armed aggression of the Russian Federation against Ukraine in February 2022 and the introduction of martial law, the Ministry of Education and Science of Ukraine was forced to change the rules for admission to educational institutions, after the admission campaign of the 2022-2023 academic year. Therefore, at the end of the project, another task arose – the need to assess corruption risks deriving from the newly introduced legislation that regulated the admission campaign to higher education institutions for 2022 (Ukrainian Government, 2022). For this purpose, in May-July 2022, the Association, jointly with the NACP, with the support of the EU Anti-Corruption Initiative (EUACI), implemented a project to identify and overcome corruption risks associated with the admission campaign. The resulting detailed analysis (Tsypashchuk & Lomzhets, 2022), led to anti-corruption training for universities' anti-corruption commissioners to minimize corruption risks during the admission campaign, and a communication campaign using video and a Telegram chat-bot.

It is obvious, that the full-scale invasion brought new dimensions of corruption risks in higher education. No deep research on the current situation has been conducted, but based on the prior findings, we may reasonably assume that the growing number of students and faculty who are staying abroad, distant learning, etc. – all these factors do influence the prospects of possible corruption within the universities.

Thus, the project team managed to identify and describe the main corruption risks in higher education in Ukraine. However, this was insufficient to create and implement practical tools to prevent corruption in higher educational institutions. The next stage is to study experiences in other parts of the world of implementing useful and effective anti-corruption compliance tools in higher education and the involvement of students in this process. Currently the Association of Legal Clinics of Ukraine is conducting the relevant research and activities.

Thus, at the European Conference on Ethics and Integrity, the ALCU's team will present the results

of a study of the best compliance practices in foreign and Ukrainian universities.

References

Derkach, S., Halai, V., Datsko, K., & Fedorenko, A. (2022). Anti-corruption commissioner of a higher education institution: an analytical study. *National Agency on Corruption Prevention, Association of Legal Clinics of Ukraine*.

https://legalclinics.in.ua/wp-content/uploads/2022/05/Antykoruptsiy-nyy-upovnovazhenyy- zakladu vyshhoi-osvity_analitychne.pdf

Kremen, V. (2016) National report on the state and prospects for the development of education in Ukraine. *National Academy of Pedagogical Sciences of Ukraine*.

<https://mon.gov.ua/storage/app/media/nrk/Analychni-materialy/7-natsionalna-dopovid-prostan-i-rozvitok-osviti-v-ukraini.pdf>

National Agency on Corruption Prevention. (2019). *National Report Concerning the Implementation of Anti-Corruption Policy Principles in 2017*. <https://nazk.gov.ua/wp-content/uploads/2019/06/Natsdopovid-2017.pdf>

National Agency on Corruption Prevention. (2020). The Cabinet of Ministers approved the draft Anti-Corruption Strategy for 2020-2024. (2020, September 16). *NACP Website. Latest News* <https://nazk.gov.ua/uk/novyny/kabinet-ministriv-shvalyv-proyekt-antykoruptsiynoyi-strategiyi-na-2020-2024-roky>

Tsypiashchuk, M., Datsko, K., & Lomzhets, Y. (2022). Corruption risks in higher education. TOP 25: Strategic analysis of corruption risks. *National Agency on Corruption Prevention, Association of Legal Clinics of Ukraine*. https://legalclinics.in.ua/wp-content/uploads/2022/06/TOP_25_koruptsiy-ni_ryzyky_u_vyshhiy-osviti.pdf

Tsypiashchuk, M., & Lomzhets, Y. (2022). Corruption risks of the 2022 admission campaign. Strategic analysis of corruption risks. *National Agency on Corruption Prevention, Association of Legal Clinics of Ukraine*. <https://nazk.gov.ua/wp-content/uploads/2022/06/Ryzyky-vstupnoi-kampanii-.pdf>

[content/uploads/2022/06/Ryzyky-vstupnoi-kampanii-.pdf](https://nazk.gov.ua/wp-content/uploads/2022/06/Ryzyky-vstupnoi-kampanii-.pdf)

Ukrainian Government. (2014). Law of Ukraine on Prevention of Corruption. (Ukr).

<https://zakon.rada.gov.ua/laws/show/1700-18#Text>

Ukrainian Government. (2022). Procedure for admission to higher education in 2022. (Ukr).

<https://zakon.rada.gov.ua/laws/show/z0487-22#Text>