

Legal principles of functioning of higher education system in Ukraine

The article deals with analysis of basic legal principles of higher education functioning in Ukraine. The basic model of university education, qualifications, scientific competence, the current state of education and the learning process in Ukraine are discussed. A lot of scientific works of native scientists are devoted to issues of development of higher education. They convinced that today, in the new socio-economic conditions of the national high school has some positive experience despite reforms in higher education system.

Key words: higher education, higher educational institutions, qualifications level, governing bodies, licensing, academic year, academic staff, international cooperation

Introduction. Civilization changes in the world cause growth of education importance in social life of a man. New civilization, life and activity of a man become more knowledge-based and educationally oriented. Nowadays progressiveness of any society is defined by a standard of person's evolution. This factor is a driving force for further progress. In its turn, person's evolution is determined with education.

Latest sources and publications analysis. Higher education analysis as a factor of providing prosperity and growth of a country was presented in works of Ukrainian scientists: V. Andrushchenko, D. Bondarenko, I. Vakarchuk, V. Heiets, B. Danylyshyn, T. Kaluzhna, V. Kremen, V. Kutsenko, S. Nikolaienko and others.

Basic material. The legal basis for higher education (HE) in Ukraine is set by the Constitution of Ukraine, the laws of Ukraine on education, higher education, science and technical activity, the state budget of Ukraine, the budget code of Ukraine, the labour code of Ukraine, the national doctrine for the development of education and other legal acts [3]. In addition, numerous by-laws regulate the functioning of the HE system as a whole, as well as the operation of its specific sectors and units. These include: the regulations by Verkhovna Rada of Ukraine (Ukraine's parliament), orders by the President of Ukraine, regulations and orders issued by the Cabinet of Ministers of Ukraine and orders and letters by the Ministry of Education and Science, Youth and Sports of Ukraine. Currently, the draft law of Ukraine on higher education is under review by the Cabinet of Ministries. The pending changes in the above law encompass the key developments of the Bologna Process: implementing a three-cycle system; granting greater autonomy to universities; granting more rights to students' self-governance; supporting companies who employ graduates; improving the legal basis for independent external assessments and other issues.

There are four qualification levels in HE [4]:

- Junior specialist,
- Bachelor,
- Specialist,
- Master.

They cover the 1st and 2nd cycles of higher education according to the Bologna Principles. Junior Specialist (short term 1st cycle) is an educational-proficiency level of higher education of a person who, on the basis of completion of secondary education (after 9th or 11th year/form at school), has attained incomplete (short-term) higher education, special skills and knowledge sufficient to cope with tasks and duties at a certain level of professional activity, stipulated for initial posts in a certain type of economic activity. The normative period of training is from two and a half to three years. Persons with basic (after 9th year/form at school) secondary education may study in the educational and professional programmes of junior specialist's training, obtaining complete secondary education at the same time. Bachelor (1st cycle) is an educational-proficiency level of higher education of a person who, on the basis of completion of secondary education, has attained basic higher education, fundamental and special skills and knowledge sufficient to cope with tasks and duties at a certain level of professional activity (in economy, science, engineering, culture, arts etc.). The normative period of training is four years (240 ECTS). The training of Bachelor specialists may be carried out according to the shortened programme of studies on the basis of the Junior Specialist level. Specialist (2nd cycle) is an educational-proficiency level of higher education of a person who, on the basis of the Bachelor degree, has attained complete higher education, special skills and

knowledge sufficient to cope with tasks and duties at a certain level of professional activity (in economy, science, engineering, culture, arts etc.). The normative period of training is one year (60 ECTS). Master (2nd cycle) is an educational proficiency level of higher education of a person who has attained complete higher education, special skills and knowledge sufficient to cope with professional tasks and duties of innovative character at a certain level of professional activity (in engineering, business management, pedagogic, arts etc.). The training of students at Master level may also be carried out on the basis of the specialist level. The period of training is typically between one to one and a half years (60-90 ECTS). During the studies at the Master level, students are required to write their final thesis on a selected subject and present it, be able to collect, analyse, summarise and communicate study and practical material; often knowledge of a foreign language is also required. Specialist and Master programmes in fields such as medicine, dentistry, veterinary medicine are carried out on the basis of complete secondary education within a period of five to six years (300-360 ECTS). Higher education graduates are awarded qualifications of the appropriate educational proficiency levels and are granted state diplomas. The diploma is the state-recognised document which serves as both an educational certificate and a professional licence, confirming the attainment of the appropriate higher educational level and qualification of a 4 certain educational-proficiency level (an academic degree in a field of study and speciality). The law on higher education establishes the following types of documents that confirm higher education qualifications:

- diploma/qualification of junior specialist;
- diploma/qualification of Bachelor;
- diploma/ qualification of Specialist;
- diploma/ qualification of Master.

Research programmes (assigned to third cycle) are implemented in a «non-Bologna» format, beyond the HE system:

- 1st stage: Aspirantura (postgraduate Doctorate programme), on completion, the degree of a Candidate of Sciences is granted (similar, but not equivalent to a PhD degree).
- 2nd stage: Doctorantura (post-Doctorate programme), on completion, the degree of a Doctor of Sciences is awarded.

Research programmes typically involve:

- conduct of original research, preparation and public defence of a dissertation;
- supervisory procedures (by higher education institution, research institutions) and assessment (by the Department of the Ministry);
- double status of research post-Doctorate programme students (students and early stage researchers).

Following implementation mechanisms for the third cycle are currently being introduced:

- Doctorate study programmes including both taught courses (lectures, seminars and practical work) and independent research;
- supervisory and assessment procedures for Doctorate studies;
- inclusion of Doctorate and post-Doctorate studies in the National Qualifications Framework and linking it to learning outcomes;
- interdisciplinary Doctorate studies that facilitate development of transferable skills. The principles of continuity and succession of training courses are implemented in the second and the third cycles;
- Doctorate students, who have the status of both students and early stage researchers.

Some research programmes have been modernised in line with the Bologna Process [1]. For example, a pilot PhD programme is offered at the National University Kyiv Mohyla Academy. The programmes at all levels, except post Doctorate programmes, are full-time or parttime. Part-time programmes have various formats: evening classes, correspondence programmes, distance learning, e-learning, mixed programmes.

The law of Ukraine on higher education establishes four levels of accreditation of HEIs:

- 1st accreditation level HEIs train Junior specialists;
- 2nd accreditation level HEIs train Junior specialists and/or Bachelors;
- 3rd accreditation level HEIs train Bachelors, specialists and in certain professions (specialities) Masters;
- 4th accreditation level HEIs train Bachelors, specialists and Masters and offer postgraduate Doctorate (Aspirantura) and post-Doctorate (Doctorantura) programmes.

There are six types of higher education institutions (HEIs) in the Ukraine [2]:

- Universities have the 4th accreditation level. They may be multi-disciplinary institutions (follow a classical university model) or ‘branch’ institutions (focus on some particular professional field as technical,

medical, agricultural, pedagogical, economics, law etc.). They act as leading research and methodological centres in both fundamental and applied research.

- Academies have the 4th accreditation level. They are concentrated on a specific area of knowledge in which they also act as leading research and methodological centres in both fundamental and applied research.

- Institutes have the 3rd accreditation level. They are concentrated on a specific area of knowledge in which they also conduct research and methodological research in both fundamental and applied fields. They may be independent or a sub-unit of a university or academy.

- Conservatoires have the 3rd accreditation level. They specialise in culture and arts, specifically music. They also conduct research and act as leading centres in the areas of their activity.

- Colleges have the 2nd accreditation level. They provide training leading to the acquisition of specific HE qualifications. They may also constitute sub-units within HEIs with 3rd and 4th level accreditation.

- Technical and Vocational Schools have the 1st level of accreditation. They provide education and training in several adjacent areas. They may also constitute sub-units within HEIs with 3rd and 4th level accreditation.

With respect to the ownership, Ukraine's HEIs are divided into public and private HEIs. Public forms of ownership are: municipal and state owned.

State (public) higher education institutions (HEIs) of the 4th accreditation level can be granted the status of National HEI by the President of Ukraine which results in greater funding of an institution.

The Ministry of Education and Science, Youth and Sports of Ukraine sets standards for higher education, develops qualifications, organises and conducts licensing and accreditation processes and monitors educational processes and governance of HEIs. It develops qualification requirements for the staff and determines recommendations for their workload. The Ministry of Education and Science, Youth and Sports of Ukraine approves the statutes and admission rules of HEIs, drafted according to the Ministry's guidelines. In elections of heads of HEIs, it appoints and dismisses the nominees. It also awards academic status (Docent or Professor) to academic staff. The general trend is towards decentralisation, with the aim of delegating a certain amount of authority and responsibilities to the HEIs. This will allow further deconcentration or deregulation of the HE system.

General responsibility for HE administration lies with the Ministry of Education and Science, Youth and Sports of Ukraine. HEIs that are subordinated to other Ministries or were founded by municipalities or regional communities follow the rules and instructions of the Ministry of Education and Science, Youth and Sports of Ukraine, too. Regional and local authorities support and assist the Ministry of Education and Science, Youth and Sports of Ukraine with the implementation of its HE policies.

A Collegium – Colegia (advisory-consultative body) operates under the Ministry of Education and Science, Youth and Sports of Ukraine. The Rectors' Council (national level) and Rectors' Regional Councils are self-governing consultative bodies. The social partners, local community groups and employers' associations are involved in the design of HE policy and reform of the HE sector. 3. Governing bodies of the higher education institutions

HEIs are governed by a head, advisory and operational bodies and self-governing bodies (including students' self-governing bodies) [4]. The head of an HEI (rector, president, director) is charged with a broad range of functions and responsibilities for strategies, management, finance, organisational structure and staff. The head represents the institution and reports on its operation externally. The Academic Board of an HEI – the advisory (collegial) body – chaired by the head: approves the budget and financial report; submits the statute and amendments to it for the approval of the self-governing body; approves curricula and syllabuses; adopts research plans; and votes on the appointment of chairs, professors and other staff. The Academic Board consists of the deputy heads of the HEI, deans, the chief accountant, the chairs of the self-governing bodies, elected representatives (teachers, professors and academic chairs) and students' representatives.

The Supervisory Board of an HEI – the advisory (collegial) body at national university level – is responsible for civil control and cooperation with civil society, the local community, employers, academia, politicians and the international community.

The operational bodies of an HEI include the rectorate, directorate, pedagogical council, admission board and others. The self-governing bodies of an HEI include the employees' conference, faculty councils and students' parliament etc.

HEIs are funded by the state budget via the Ministry of Education and Science, Youth and Sports of Ukraine. Public sectoral HEIs subordinate to line ministries are funded by the state budget via the relative

ministry. Municipal HEIs are funded by municipal budgets. Private HEIs are funded by their owners (founders).

The Ministry of Education and Science, Youth and Sports of Ukraine, the Ministry of Economic Development and Trade and the Ministry of Labour and Social Policy identify demand (state order) for certain professions (qualifications) and allocate it among statefunded HEIs. The budget for a specific HEI is calculated on the basis of the state order in accordance with the norms set by the Ministry of Education and Science, Youth and Sports of Ukraine. Private HEIs do not receive public funding.

Students who study under a state order do not pay fees. Additionally, full-time students who demonstrate good academic achievements receive a stipend (scholarship). There are various types of stipends: academic, social and special. The amount of an ordinary academic stipend is stipulated by the law of Ukraine on higher education. It depends on the qualification level programme and amounts to approx. 60 % to 70 % of the minimum living standard, which is fixed by the Regulation of the Cabinet of Ministers of Ukraine. Students who do not study under a state order pay study fees on a contractual basis. Students, or their parents, may obtain a loan from a private commercial bank or a loan from the state to pay for their studies. Also, parents of students or working students may claim tax relief.

The national system of quality assurance (QA) is implemented by means of licensing and accreditation procedures carried out by the Department for Licensing and Accreditation of the Ministry of Education and Science, Youth and Sports through the State Accreditation Commission, a network of experts.

Thus, on the national level, quality assurance (QA) is applied to higher education as a whole and consists of external and internal assessment and publication of results. Some universities in Ukraine contact international accreditation agencies directly.

The law on higher education stipulates that all HEIs must be licensed before they can offer tertiary-level education programmes. To be granted a licence, an HEI must meet the required standards set by the Ministry of Education and Science, Youth and Sports of Ukraine, which relate to infrastructure, resources, staff and programmes.

The accreditation procedures include the accreditation of education programmes and the institutional accreditation of HEIs. In order to have an education programme accredited, an HEI must meet the requirements of the HE standards. An HEI receives institutional accreditation if at least two-thirds of its educational programmes have been accredited.

The length, beginning, end and organisation of the academic year are determined by the HEI and depend upon the type of the programme, the mode of its delivery, the year of studies and other factors. The official beginning of the academic year in Ukraine is 1 September, or the first weekday after 1 September if this date falls on a weekend. There is no common end of the academic year. The academic year usually consists of two terms (semesters) or occasionally three terms (trimesters), though a summer semester is not yet widespread. The length of a semester and academic breaks may vary among HEIs. The length of the examination period depends upon the programme and the mode of its delivery.

Academic staff posts in HEIs include:

- within a chair (department): head of chair, professor, associate professor («docent»), senior teacher (lecturer), teacher, assistant teacher;
- in research laboratories: head, lead researcher, senior researcher, junior researcher.

Summary. Academic staff working for a chair (department) conducts research activities, including the writing and publication of academic papers, preparation of theses, supervision of students, consultancy etc. The fundamental research in HEIs is mainly conducted by research laboratories. In general, Ukraine allocates 0,7 % of its GDP to fund R&D. HEIs are actively involved in various research programmes, both at the national and international level. The research work of young scientists is supported by the President grants, Cabinet of Ministries of Ukraine and other scholarships.

The importance of international cooperation is declared in several Ukrainian laws and by-laws [2]. The order of the Ministry of Education and Science, Youth and Sports of Ukraine «on implementation of ECTS in Ukrainian HEIs» will ensure the diploma recognition procedure and will facilitate student mobility. Ukrainian HEIs take actively part in international cooperation. The efficiency of such cooperation depends mainly on the capacity of an HEI and its staff (knowledge of foreign languages, expertise and experience, participation in international projects etc.). As a rule, international cooperation is based on partnership agreements signed by HEIs and is implemented according to an annual plan. Cooperation activities and their funding vary from case to case. As a rule, HEIs organise joint events, students' exchanges, participate in joint research projects, prepare joint publications etc. Various international educational programmes are open to Ukrainian HEIs; this ensures development of projects in line with HE strategy developments in cooperation with HEIs all over the world. HEIs participate in the following programmes: Tempus, Erasmus

Mundus, Jean Monnet, 7th Framework Programme (FP 7), Tuning and others. Numerous scholarships and grants to study abroad and set up collaboration strengthen international collaboration between HEIs. Currently, there are some joint programmes and educational services for foreign citizens. Many foreign students are studying at Ukrainian HEIs. The majority of foreign students study at the Kharkiv and Kiev HEIs.

Sources and Literature

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Яцишин Н., Іванів О. Правові засади функціонування системи вищої освіти в Україні. У даній статті викладено основи правових принципів функціонування системи вищої освіти в Україні. Також розглядаються основні моделі університетської освіти, кваліфікації, наукові компетенції, сучасний стан розвитку освіти та організацію навчального процесу в Україні. Питанню розвитку вищої освіти присвячено багато наукових праць вітчизняних вчених, які переконані, що сьогодні в нових соціально-економічних умовах вітчизняна вища школа має певний позитивний досвід, незважаючи на те, що система освіти України перебуває на етапі реформування. Функціонування системи вищої освіти в Україні орієнтовано на загальноєвропейські норми організації освітньої діяльності, а саме, прийняття однакових освітньо-кваліфікаційних рівнів підготовки; кредитно-модульну систему (ECTS) процесу навчання і оцінювання знань студентів. В цілому, Україна виділяє 0,7% свого ВВП, щоб фінансувати наукові дослідження у вищій школі. Вузи активно беруть участь у різних науково-дослідних програмах як на національному, так і на міжнародному рівні. Українські вищі навчальні заклади активно беруть участь у міжнародному співробітництві.

Ключові слова: вища освіта, вищі навчальні заклади, кваліфікаційні рівні, регулюючі органи, ліцензування, навчальний рік, навчальний персонал, міжнародне співробітництво.

Яцишин Н., Иванив О. Правовые принципы функционирования системы высшего образования в Украине. В данной статье представлены основы правовых принципов функционирования системы высшего образования в Украине. Также рассматриваются основные модели университетского образования, квалификации, научные компетенции, современное состояние развития образования и организацию учебного процесса в Украине. Вопросу развития высшего образования посвящено много научных трудов отечественных ученых, которые убеждены, что сегодня в новых социально-экономических условиях отечественная высшая школа имеет определенный положительный опыт, несмотря на то, что система образования Украины находится на этапе реформирования. Функционирование системы высшего образования в Украине ориентировано на общеевропейские нормы организации образовательной деятельности, а именно, принятие одинаковых образовательно-квалификационных уровней подготовки; кредитно-модульную систему (ECTS) процесса обучения и оценивания знаний студентов. В целом, Украина выделяет 0,7% своего ВВП, чтобы финансировать научные исследования в высшей школе. Вузы активно участвуют в различных научно-исследовательских программах как на национальном, так и на международном уровне. Украинские высшие учебные заведения принимают активное участие в международном сотрудничестве.

Ключевые слова: высшее образование, высшие учебные заведения, квалификационные уровни, регулирующие органы, лицензирование, учебный год, учебный персонал, международное сотрудничество.