

Aleksandra Zhivkovikj

Corruption in Higher Education

Analysis With Special Accent on
Performance of "Ss. Cyril and
Methodius" University in Skopje



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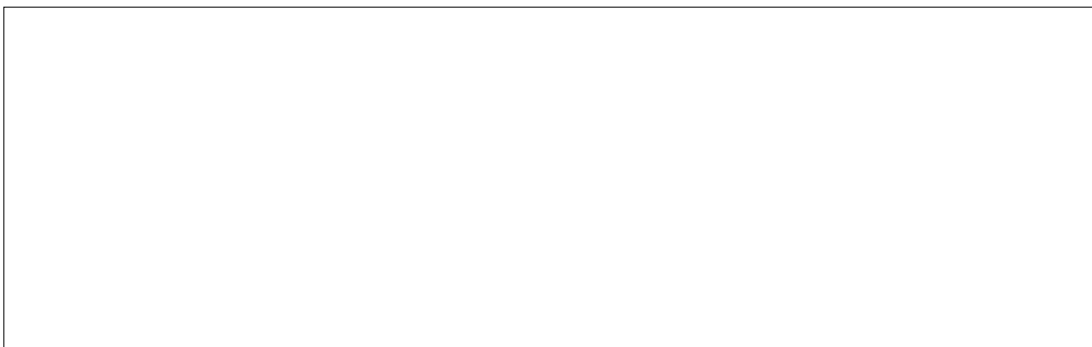
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List of abbreviations

| | |
|--------------|--|
| HE | Higher education |
| HEI | Higher education institution |
| LHE | Law on Higher Education |
| SAO | State Audit Office |
| SCPC | State Commission for Prevention of Corruption |
| SEI | State Education Inspectorate |
| CC | Criminal Code of the Republic of Macedonia |
| MES | Ministry of Education and Science |
| MF | Ministry of Finance |
| SO | Student Ombudsman |
| SPUKM | Student Parliament of “Ss. Cyril and Methodius” University |
| UKIM | “Ss. Cyril and Methodius” University, Skopje |
| UKLO | “St. Clement of Ohrid” University, Bitola |
| IKSA | Informative, electronics, cultural and sports activities fee |

Introduction

Corruption was one of the key impediments to economic and social progress in the first-ever states. According to given authors, precisely corruption was the reason for the downfall of Ancient Egypt, as a political entity, and particularly of the Roman Empire. So, 2,000 years ago, Kautilya, the prime minister of the Indian king, discussed the problem of corruption in his book “Arthashastra”. Dante Alighieri, too, placed corrupt people in the lowest circles of Inferno seven centuries ago. Shakespeare also included characters prone to corruption in some of his plays, while the US Constitution reads that, should the president be involved bribery, he will be recalled¹.

However, only in the last two decades has the phenomenon of corruption acquired the attention that it deserves in public discourse. Therefore, the study of corruption in higher education and education in general has begun to develop as of recently.

The few global studies on corruption in higher education indicate that this phenomenon is typical for all countries worldwide and that no country is an exception when it comes to the existence of this phenomenon in the academic world. Apart from its frequency, different countries are facing different kind of corruption, which is why it is a great challenge to talk about this topic. Because of the different circumstances that affect the development of this problem, it is of special importance that this phenomenon should be considered separately in each country.

When it comes to corruption in higher education in Macedonia, it is important to mention that our country lacks continuous monitoring tools and improvement in this area. The absence of a strategy to tackle this problem both at a national and university level is rather obvious. Corruption in higher education is still not treated like a systemic problem, and such phenomena are perceived as isolated cases.

¹ Vito Tanzi, “Corruption Around the World: Causes, Consequences, Scope, and Cures”, IMF Working Paper (2008)

This is why this study is aimed at recapitulating the several crucial aspects of this topic. Due to the lack of debate on the reasons and the consequences of corruption in higher education in our country, this study will first offer a brief overview of this matter. Then, it will offer an analysis of the laws and bylaws on diverse corruption-related matters in our legal system. Afterwards it will give an analysis of the legal acts of the “Ss. Cyril and Methodius” University for the purpose of obtaining information on how the oldest and largest university in Macedonia is dealing with corruption and whether it has established mechanisms to prevent and punish such activities. To get the full picture, a section which reviews a few studies and reports whose figures point to the graveness of this problem has been inserted.

Finally, this study will offer recommendations to improve the situation in higher education with a special accent on the status quo at the “Ss. Cyril and Methodius” University.

Methodology

Tools for a qualitative analysis of data were used for the needs of this analysis. It has considered the laws and bylaws on corruption and higher education included in Macedonian legislation, reports of the relevant national and international institutions, previous analyses on this matter, research of corruption in Macedonia, media articles and web reports, as well as documents of the “ Ss. Cyril and Methodius” University and of each of its faculties.

Furthermore, a request for free access to public information has been sent to a few institutions.

All documents have been found on the Internet, that is, documents that have been posted on the websites of the relevant institutions and the civic associations that are working in this area have been used.

First of all, the legal provisions of the consolidated versions of the following laws have been analyzed:

1. Law on Higher Education
2. Law on Public Sector Employees
3. Law on Prevention of Corruption
4. Law on the Prevention of Conflict of Interest
5. Criminal Code
6. Law on Administrative Officers
7. Law on Whistleblowers' Protection
8. Law on Scientific and Research Activities

These laws have been analyzed because they refer to the universities and the faculties (which are institutions that render public services and where corruption could take place), because they identify and refer to the academic staff and the administrative workers as potential perpetrators and or because they regulate relations in higher education in general.

This analysis does not cover the corrupt practices that take place in student boarding houses and the other higher education factors that do not fall under the jurisdiction of the university (for example, student scholarships), so the laws that regulates these matters have not been included in this study.

The purpose of the analysis of these laws is to get a clear picture of the types of corruption identified in Macedonian legislation, the mechanisms to prevent corruption on time and the measures taken once corruption takes place, with a special focus on UKIM.

This study will also elaborate on the remaining relevant legal acts, such as the Code on Administrative Officials, the Rulebook on Organization, Activities, Decision-Making, Accreditation and Evaluation Methodology, Accreditation and Evaluation Standards and Other Issues Related to Work of **HE Accreditation and Evaluation Board** and the manual on the criteria for providing and grading quality in higher education institutions and among the academic staff in the Republic of Macedonia. These documents have been reviewed in order to include mechanisms to curb corruption in HE.

To obtain more specific information on how UKIM arranges its relations and what kinds of tools it applies to foil or sanction corruptive practices, the provisions of the following legal acts have been considered:

1. The UKIM Statute;
2. The UKIM Code of Ethics;
3. The Rulebook on Criteria and Procedures on Electing Professors, Scholars, Assistant Professors and Doctoral Assistant at UKIM;
4. The Rulebook on Organizing UKIM's Publishing Activities;
5. The Rulebook on the Requirements, Criteria and Regulations During Studnets' Enrollment in First and Second Cycle of University Studies;
6. Specific Decisions on defining disciplinary responsibility among the students at the UKIM faculties; and
7. The Protocol for ECTS Exams and Essays at Faculty of Law "Justinian I".

Some of the acts have been obtained from the official UKIM website, to which we have had constant access throughout the year of 2016. Some of the acts have been taken from the UKIM University Herald. One of the acts mentioned

in the above mentioned documents refers to a specific act of corruption² and it has been obtained through the tool of free access to information in 2015.

To obtain the legal acts of **the UKIM faculties**, their websites were visited in April 2016. It needs to be pointed out that most of the UKIM faculties do not publish their legal documents on their websites.

Furthermore, the audit reports of the **State Audit Office** for the period of 2002-2015 have been analyzed for the purpose of obtaining information on the irregularities noted in the performance of UKIM or each separate faculty. These have been obtained though the official website of this institution in May 2016. Its website contained reports only on some of the UKIM faculties, but not the audit report on UKIM's performance. The report on the overall higher education funding system, which involves comprehensive information on the funding of UKIM, was reviewed, too. This analysis processes only the publicly available reports of the SAO that have been carried in their original form, without the author's conclusions on its behalf.

Apart from the aforementioned reports, the annual reports of **the State Commission for Prevention of Corruption** for the period of 2005-2015 have been reviewed, too. During their analysis, it has been noted that different methodologies have been used for the writing and the presenting of different types of information. Also, it has been concluded that these do not offer comprehensive data on the number of corruption reports filed in specific areas. This is why this analysis presents the corruption cases related to higher education for which the commission has submitted initiatives for criminal prosecution to the **Public Prosecution Office of the Republic of Macedonia**.

The analysis also includes media reports that have been obtained from the website that contains an archive of reports of the Macedonian media (newspapers, television stations and web portals) for a specific period of time. Yet, it has been extremely difficult to gain access to the records of some newspapers and television stations because the media outlets have either erased them, or transferred to a new server without transferring the old material. Some of the electronic archives have been left to outdated servers which are targets of cyberattacks. Therefore, some of the oldest media outlets in the country do not offer Internet access to their reports from previous years.

² *The Rulebook on Preventing Exclusivity, Multiplication and Sale of Copyrighted Work Without Author's or Publisher's Permission*

In order to provide information, requests for free access of information have been sent to the following institutions:

1. The State Commission for Prevention of Corruption
2. Law on Scientific and Research Activities
3. The Public Prosecutor's Office for Organized Crime and Corruption
4. The Ministry of Finance, the Financial Police Office
5. The State Education Inspectorate
6. The Student Ombudsman

Of all the aforementioned institutions, only two have replied-**the Financial Police Office and The Public Prosecutor's Office for Organized Crime and Corruption.**

Definition of Corruption in Higher Education

Definition of Corruption in Higher Education

The problem of corruption is quite obvious, but giving a specific definition of corruption is quite a challenge. However, defining corruption is important for the identification of the corrupt practices.

Authors underline that a discussion on the problem of corruption in education is almost nonexistent in the studies dedicated to educational issues. Unified definitions are rare, while most of them are simply too specific, thereby limited to well-known practices (Waite & Allen, 2003). The most widely spread definition of higher education corruption notes that this is an abuse of power for the purpose of acquiring material gain (Anechiarico & Jakob, 1996) and it refers to the abuse of office or trust for personal or private objectives. Anechiarico & Jacobs (1996), Kalnins (2001) and Frimpong & Jaques (1999) share this view. Heyneman (2004) adds that, because of the great importance of education, this definition implies more than mere material gains, noting that the objective is not always material, but also a personal gain.

Hallak and Poison (2002) go a step further, saying that the term corruption in higher education is “a systematic use of public office for private benefit whose impact is significant on access and quality of the educational goods and services in tertiary education...” Another notion that helps specifying the prac-

tices that should be regarded as corrupt is that of Osipan (2007), who believes that all the informal relations based for the purpose of providing unpermitted access to material or immaterial benefits through abuse of power, thus betraying public trust, should be regarded as corruption in higher education. This definition covers corruption not only at public universities, but also at private universities, which indicates that corrupt practices are not limited only to state-owned institutions and their representatives. It also introduces the point of perceiving education as a common good, a collective agreement of the community, and it gives additional importance to the corrupt practices in this field.

Classification of Corrupt Practices in Higher Education

To tackle various forms of corruption more successfully, we need a detailed taxonomy of this issue and identification of the specific corrupt practices that take place in higher education. In the theoretic literature, here variety of classifications and approaches to classifying corrupt practices can be found.

For example, according to Chairman (2002), there should be distinction between five types of corrupt practices in education: flagrant illegal acts of bribery and fraud (for example, public procurement fraud); practices that provide an inflow of insignificant funds for individuals who do not receive their monthly fees on time or who receive small fees; corrupt practices for performing activities under more difficult circumstances (for example, receiving a degree without first passing all the exams); practices related to cultural beliefs (for example, the prevailing view that it is justified to give a present in return for a favor) and the corrupt practices that take place due to incompetence or ignorance (for example, wrongly allocated funds). Tanaka (2001) identifies three main areas where corruption takes place: public procurement, education administration and professors' initiatives for corruption, which take place in classrooms and university amphitheatres. According to Heyneman (2002), there are two key groups of corrupt activities in education: corrupting when doing favors and academic corruption. These two groups include the following subgroups: public procurement corruption, corruption related to the property of education institution and tax evasion, corruption during selection (of professors, students, and administrative officers), abuse of power and corruption when granting accreditations. Rumyantseva (2005) classifies corrupt practices into practices that do not involve students and have a limit-

ed effect on them, and practices that include students as key actors and have influence on their system of values, beliefs and future prospects.

Another interesting theory is that of Hallak and Poisson (2007), which distinguishes between grand and petty (secondary) corruption. Grand corruption involves high-ranking public officials and government representatives and it has serious negative effects on economic progress. Examples of this are the manipulations in the public tenders on the construction of the buildings of the higher education institutions or favoring publishing houses when publishing textbooks. Petty corruption includes public officials of all ranks, as well as other academic stakeholders. It covers relations that involve material gain, but it is much lower compared to the former group, while its economic implications are insignificant. However, this type of corrupt practice leaves a major social mark especially on the poorer class. Examples of this are bribery to enroll at a faculty or to get a bed in a boarding house. The authors believe that these two groups are not mutually exclusive, but, on the contrary, they are interconnected and form a logical and complete unity.

Nevertheless, the concrete forms of HE corruption depend on specific factors, such as the political, economic and social circumstances, the cultural beliefs, the political ideologies and even the language. Therefore, certain forms of corruption that may be dominant in one country may not even exist in another.

One of the most specific distinctions is the one made according to the actors that initiate corrupt behavior. The table below represents some corrupt practices initiated by different actors.



Government/Education Ministry/public institutions

- Granting higher education accreditation to an institution that fails to meet the necessary requirements
- Obstructing and influencing inquiries into the activities of a higher education institution
- Influencing the curriculum by writing textbooks, whereby students often have to buy new books

- Promoting inadequate policies for students' enrollment, which subsequently cause problems on the labor market and inflation of certain professions
- Reconstructing and building new education facilities immediately before elections
- Using education funds for other purposes (public or private)
- Using education funds to fund political parties or election campaigns
- Manipulations in the bidding processes
- Adopting laws that suit a minor interest groups, while neglecting the needs of the general population



Education institutions

- Commercialization and mismanagement of the higher education institutions
- Bribery for purpose of hiding irregularities in work of school/university
- Corruption during creation of students' enrollment policies
- Inappropriate distribution and use of funds intended for building maintenance and necessary material
- Illegal payment of enrollment fees when education is free-of-charge
- "Ghost professors" who prevent the employment of new professors and who influence the allocation of the employees' funds
- Providing false information on the number of students, their socioeconomic status or their ethnicity for the purpose of obtaining more funds from the government or other donors
- Bribing government officials to obtain larger financial assistance

- Delayed payment of scholarships so that they can be temporarily used for other purposes or for the personal benefits of the relevant officials



Professors

- Bribery for a higher grade
- Giving private lessons that affect the quality of regular lessons
- Abuse of students to obtain information
- Exploitation and abuse of students physically, sexually or in other ways, in return for a higher grade or passing an exam
- Selling exam questions
- Absence from work in order to perform activities in other institutions (“dual practice”)
- Holding exams outside exam session
- Holding prearranged “private exams” with a small group of students for which the professor obtains certain benefits



Students

- Buying a university degree
- Paying for a higher grade
- Paying to pass an exam
- Bribery for enrollment at faculty
- Using fake documents to enroll at a faculty

- Falsifying administrative documents
- Falsifying grades
- Bribery to get scholarship or financial assistance from private donors

Reasons for Emergence of Corruption in Higher Education

General Problem With Corruption in Public Sphere

It is believed that, although the academic community is an independent entity, it is not an isolated island immune to the social trends³. Hence, corrupt practices are a result of the general beliefs and culture, as well as of the established interpersonal social relations. Namely, the generally accepted behavioural standards are reflected on the academic community, too. Therefore, if there is a higher degree of corruption in the other areas, such as healthcare, police and public procurement, it is almost impossible for corrupt practices to be absent from (higher) education. This is a result of the people being accustomed to resorting to bribery to receive favors from the public institutions, so this method of work is applied to every area.

Economic Growth and Standard of Living

One of the reasons for higher education corruption is the economic growth and the standard of living in a country. According to a study of Transparency International⁴, the countries with a lower standard of living are facing a significantly higher level of corruption in education than those countries where wages are higher. This is happening because of: (1) the race to acquire skills and a degree more easily, thereby obtaining a better position on the labor market as quickly as possible, (2) professors and remaining academic staffs' beliefs for being paid insufficiently for their work and (3) the general mistrust in the state system and the public services⁵. In these countries, people

³ Boris Curkovic, Dino Mujkic, Ivana Korajlic, Marko Vujic, "Preventing Corruption in Higher Education in B-H: Surveys and Recommendations", Transparency International Bosnia and Herzegovina (2013)

⁴ "Global Corruption Report: Education", Transparency International (2013)

⁵ Jaques Hallak, Muriel Poisson, "Corrupt Schools, Corrupt Universities: What Can Be Done?", UNESCO,

depend increasingly on the state apparatus because of their socioeconomic status, so they find it more difficult to oppose corruption or to acknowledge it as detrimental.

However, it is important to underline that corruption is not the exclusive trait of poor countries or developing countries, and it exists in more developed countries, too. (Hallak & Poisson, 2002)

Transition

One of the theories on the emergence of corruption in higher education, which is of great importance for countries like Macedonia, is the transition from one political and economic system to another. In terms of this, the phenomenon of corruption in education among the post-communist countries in the Eastern European bloc and the Balkans is especially symptomatic. Namely, it is believed that some of the key reasons for the high level of corruption in higher education in the countries undergoing transition are: (1) decentralization of the education and decision-making systems, which complicates the monitoring of finances and relations in the academic community, (2) the inability of higher education institutions to deal with corrupt practices independently, (3) the difficulties in finding an adequate education funding model, which causes inappropriate allocation of funds in compliance with unethical methods of enrichment/promotion of the academic community⁶ and (4) the undermining of the moral and social norms⁷.

In these terms, it is said that, during the transition period, the universities are entrusted with producing as many cadres as possible to help the general welfare of the population without promoting adequate legislation and policies to foil the unwanted consequences.⁸ This is especially the case with countries that needs different kinds of personnel than those that used to be in demand on the labor market.

International Institute for Educational Planning (2007)

6 Stephen P. Heyneman, Kathryn H. Anderson, Nazym Nurliyeva, "The Cost of Corruption in Higher Education", The University Chicago Press (2008)

7 Jaques Hallak, Muriel Poisson, "Corrupt Schools, Corrupt Universities: What Can Be Done?", UNESCO, International Institute for Educational Planning (2007)

8 Boris Curkovic, Dino Mujkic, Ivana Korajlic, Marko Vujic, "Preventing corruption in Higher Education in B-H: Surveys and Recommendations", Transparency International Bosnia and Herzegovina (2013)

Changing Higher Education Trends

Over the past fifty years or so, the relations, availability and understanding of higher education have been reformed and changed. Namely, as time passes, the demand for cadre with higher education skills increases, mobility of the academic staff rises, the higher education markets begin to get privatized (through the opening of private universities), while the countries begin to unify their education systems (although slowly, but unavoidably). It is believed that the change of system leads to corrupt practices (either certain forms of corruption become more prominent or new corrupt practices appear)⁹. Furthermore, on a global level, the gap between the wages in the private and public sector widens, which compels the public officials to seek alternative funding methods (Gorodnichenko & Sabirianova, 2006).

In terms of the aforementioned argument of transition being a factor in the emergence of corruption and the things mentioned in this part, it is noticeable that they are interrelated in a positive correlation. Therefore, it has been concluded that the countries of the Eastern European bloc are making more changes and introducing more reforms in higher education than the Western European countries. As it has already been elaborated, the level of corruption in higher education among the former is much higher than in the remaining European countries.

Influence of Political Parties

Another reason for the high level of corruption in tertiary education, which is once again important for our country, is the great influence of the political parties on the public sphere. As we have already mentioned, although the universities are autonomous, they do not form an entirely independent social system. So, in countries like ours, the parties tend to influence the decision-making bodies in higher education, as well as to insist on including persons close to them in the faculty governance bodies. If the higher education institutions are having problems with the authority of the managerial team, it is much easier for the parties to influence the relations in the academic community. There are frequently cases when positive changes are impeded precisely because of this¹⁰. According to certain authors, higher education is often a desired sphere of influence because the future cadres may thus be

9 Ararat L. Osipian, "Corruption in Higher Education: Conceptual Approaches and Measurement Techniques" (2007)

10 Boris Ćurković, Dino Mujkić, Ivana Korajlić, Marko Vujić, "Preventing Corruption in Higher Education in B-H: Surveys and Recommendations", Transparency International Bosnia and Herzegovina (2013)

defined in accordance with the needs of a given party and its ideology and because of the prestigious status of the academic world.

If the parties' sway on the HEI is big, corrupt practices may appear easily, such as favoring certain members of the academic community, nepotism, professors' absence, embezzlement of student funds (by the faculty and university services or by students organizations), and so forth.

Consequences of Corruption in Higher Education

Education is a crucial segment of the public sphere. This sector has a few functions, the most important of which is the production of eligible cadre and future leaders, building moral values among the young and shaping their viewpoints.¹¹

Hence, corruption in education has a great impact on the fulfillment of the abovementioned functions.

First of all, the encouragement of corrupt practices directly affects the quality of the cadre that completes university studies and joins the labor market. So, the students who received a degree or higher grades through corrupt practices will obtain good posts not because of their qualities and qualifications, but because of the privileged status won through unethical conduct. This directly affects the quality of products and the services offered on the market. It is believed that economic growth is directly related to the productiveness of the universities and the promotion of good-quality personnel. It is assessed that university corruption has led to a loss of profit in the national economies ranging between 2%-15%¹².

HEI corruption may also influence the interest of the national and foreign investors, the donations for faculties, the scholarships for students and their inclusion in the state economy. In the long run, corruption in higher education may result in major social inequality in the country, limited access to

¹¹ Stephen P. Heyneman, "Education and Corruption", *International Journal of Educational Development* vol. 24 (2004)

¹² Stephen P. Heyneman, "Buying Your Way Into Heaven: the Corruption of Education System in Global Perspective", *Perspectives on Global Issues* (2007)

education, creation of a general climate of unfair conditions for personal and social progress and a serious lack of good-quality cadre in all areas.

Furthermore, corruption in higher education institutions may undermine the public trust in the education system and the educational institutions themselves. Education is a sphere that involves a large number of actors bound by social cohesion and unbreakable ties (parents-students, professors-students, powerholders-people and so forth), including the extremely important social category so far: the youth. The corrupt practices bring into question the general consensus on the role of these institutions and education, whereby it undermines the general idea of education itself¹³.

On a micro level, if a given higher education institution is tarnished as corrupt, then the cadre completing their education there may not be wanted on the labor market and may find it hard to find a job. Furthermore, such institutions make things harder for those students who have obtained their grades and accomplishments honestly.¹⁴ There are examples of employers who prefer job candidates from certain universities precisely because of their lower level of corruption. This was the case in Macedonia few years ago, too. Some employers gave priority to students from the public faculties in job advertisements¹⁵.

Certain authors go as far as warning of the danger of corruption in the Bologna Process and putting into question the European higher education. Facts indicate that universities that have good reputation and produce good-quality cadre refuse to equate their degrees with the degrees of the universities infamous for their corrupt practices¹⁶.

In terms of the consequences of corruption in higher education, there is the danger of teaching the academic community members, especially the students, to apply corrupt practices to achieve success and make such practices habitual in the society. Therefore, a major problem would arise not only in the academic world, but in all the other spheres that involve academic community members. This is a serious problem because the younger generations would thus learn that they could achieve success using of bribery, nepotism and manipulations, as well as that personal effort and learning are irrelevant.

13 Stephen P. Heyneman, "Education and Corruption", *International Journal of Educational Development* (2004)

14 Stephen P. Heyneman, Kathryn H. Anderson, Nazym Nuraliyeva, "The Cost of Corruption in Higher Education", *The University Chicago Press* (2008)

15 Sanja Kostovska, Driton Nebiu, Dimitar Nikolovski, "How To Achieve Better Higher Education", *Center for Research and Policy Making* (2009)

16 *Ibid*

Corruption in Higher Education in Macedonia

There are rarely debates on corruption in higher education in Macedonia. Furthermore, there is a noticeable absence of systematic monitoring of the situation and the processes in higher education by the state institutions, the higher education institutions, the academic community, the media and the civil sector. Under such circumstances, it is a particular challenge to discuss the situation in our country and the reasons for the emergence of corruption in tertiary education.

Also, in the world studies, there is almost no debate on the corrupt practices in higher education in the “peripheral” European countries, such as the Eastern European countries and the Western Balkans (Zagaga, 2012). This further complicates the process of becoming acquainted with the higher education system in our country.

Reasons for Emergence of Corruption in Higher Education

Because of the aforementioned, we will try to present in this study our assumptions on the reasons for the emergence of corrupt practices in this sphere with particular focus on UKIM.

Outdated Legal Norms and Long-Term Absence of Regulations on Higher Education

According to Petkovska (2011), one of the reasons for emergence of corruption, nepotism and preference in this area is the serious disregard and inactivity of the government in terms of higher education ever since the country gained independence. For example, the first law on higher education in Macedonia was adopted in 2000, that is, as many as nine years after the country proclaimed independence. Until then, higher education had been regulated with the Yugoslav Vocational Education Law adopted back in 1985. This law referred to both secondary and higher education¹⁷. So, until 2000, tertiary education in Macedonia had still been regulated with rules that complied with the needs of the federative form of governance, rather than with the actual needs of the educational stakeholders in Macedonia.

One of the reasons for this is the focus on the more important economic and political topics, which were quite alarming in the first years of the country's independence.

Furthermore, the aforementioned author notes that the way in which the executive government funds higher education, which is contrary to the European trends, has been determined by the state bodies' fear of possible corruption in the higher education institutions. This is why she believes that Macedonia still uses a centralized form of funding that grants small financial autonomy to the universities.

An additional problem here is the inconsistent regulations on higher education. For example, back in 2008, a new Law on Higher Education¹⁸ was adopted for the purpose of adjusting the legal provisions to the new educational needs arising from the national and international social trends. From 2008 until today (July 2016), this law has undergone 22 amendments and addenda. Apart from the inconsistent implementation of the law in terms of its frequent amending, another feature here is that neither the executive government officials nor the legislators have initiated broader consultations about the need to amend the law.

So, in most cases, the amendments and the addenda are passed without any prior consultation or debate with the higher education actors, which pose a

¹⁷ "Thematic Review of National Policies for Education – FYRoM", OECD (2001)

¹⁸ Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

serious problem, particularly if we bear in mind that the amendments could have a major impact on higher education and even result in undermining the academic autonomy.

This makes it clear that there is a need for serious analyses and evaluations through a more inclusive and consultative process, whereby conditions would be met to hear the voice of the experts, the academic staff, the students organizations and the research centers, which in turn would result in a better law and a systemic solution that would not require frequent nomotechnical interventions.

Also, the Ministry of Education and Science is one of the respective ministries that has undergone most reshuffles in its ministerial posts in the last few years (over the past eight years alone eight education ministers have changed). In addition to legal insecurity, this, too, impacts the continuity and the pace of the higher education policies.

Inadequate Higher Education Funding Model in Macedonia

The Law on Higher Education envisions the adoption of strategic documents aimed at setting precise rules on funding higher education institutions. One of the most important documents mentioned in this law is the Higher Education Activities Program, which the Macedonian Assembly should adopt on the Macedonian Government's proposal. Its aim is to present the budget funds allocated to the state universities¹⁹. It should be enacted through annual programs in order to provide a constant insight into the ways in which the universities distribute their funds. Another extremely important strategic document is the Regulation on Measures and Criteria for Funding Higher Education Institutions. However, despite the legal obligation to pass these documents, they have not been adopted yet.²⁰

Another bitter problem is the absence of the Council on Funding and Developing Higher Education. It is supposed to be established under the LHE amendments²¹. Some of its tasks will be: to express its view on the distribution

¹⁹ Article 78, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

²⁰ "Funding Higher Education at State Universities - Audit Reports", State Audit Office (2012)

²¹ Law on Amendments and Addenda to the Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 49/2003

of funds to higher education institutions; to propose measures and criteria for the funding of higher education institutions, which the Macedonian Government should adopt on the proposal of the minister authorized for higher education affairs; to express opinion on the allocation of funds for investment; to maintain the existing equipment and procure new one; to endorse funds for the procurement of expert literature, amortization and insurance; to determine the lowest amount of funds for every enrolled student and graduate from the relevant study program; to make proposals about the amount of co-financing fee and the like. Under the 2012 audit report, the council functioned only between 2004-2006, after which it disbanded on its own. Ever since, the Council on Funding and Developing Higher Education has not actually functioned in Macedonia. Under such circumstances, it is the Macedonian Government that fulfills these obligations through the MES, that is, through its Higher Education Sector. Due to the absence of specific strategic documents, the measures and criteria adopted under the 1988 Self-Governance Agreement²² are applied partially. The effects of this will be reviewed in the part dedicated to the perception and the degree of HE corruption in Macedonia.

These circumstances contribute to perceiving corruption as an alternative method of funding the areas where there is no proper allocation of state funds.

Absence of Strategic Documents for Prevention of HE Corruption

One of the key problems is the absence of a precise strategy to prevent HE corruption. The crucial documents in this respect are the National Programs on Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interests. This is a four-year legal act that contains precise measures on combating corruption in general, and is adopted by the State Commission for Prevention of Corruption.

However, of the measures envisioned under the 2011-2015 Strategy, only three, that is, 14% of the overall measures in this sector, have been implemented. The reports submitted by the relevant actors authorized to enact this program indicate that 57% of the activities have not been realized, while 29% of the measures were enacted back in 2015²³. The final report indicates that most

22 Article 83, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015, 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

23 "Overview of Enacted Activities From National Program on Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interest 2011-2015", State Commission for Prevention of Corruption (2015)

of the measures that have not been implemented are those that fall under the jurisdiction of the state institutions, primarily the Ministry of Education and Science.

The latest program (2016-2020) contains general activities that refer to all sectors, such as: enhanced institutional system and legislation to prevent corruption and conflict of interest, stronger repression of corruption, strengthened capacities and independence of the institutions authorized to enact the law, greater public inclusion in the fight against corruption and conflict of interest, efficient coordination of the anti-corruption activities and monitoring and evaluating the achievements. It contains no specific activities to prevent corruption in education and does not include the higher education institutions and bodies.

This approach interrupts the continuity of the state strategy against this phenomenon and virtually implies the absence of specific HE anti-corruption measures at a national level. Due to the absence of integration plans and other documents that contain measures against the unethical practices in HE, our country lacks a strategy or strategic documents to prevent corruption in education.

Furthermore, the absence of such documents at the universities and faculties is just as problematic. So far, no integration plans and no specific strategic plans to prevent immoral activities have been issued at UKIM or any of the faculties, either, and there is no information about whether there are plans to do this, either.

Absence of Analyses on This Problem

The state institutions authorized for HE corruption do not carry out studies and do not monitor the situation on the ground. So, only one study has been carried out thus far that examines the public views on this phenomenon and that includes the SCPC by state actors²⁴. However, there are no continuous analyses on the ground. The same refers to the HEIs. Namely, UKIM has not conducted a single research on the topic of HEI corruption. Furthermore, the self-evaluation forms that the students fill in do not include questions that

²⁴ *The chapter entitled Perceptions and Research of Corruption in Higher Education in Macedonia will focus on specific field studies. Incidentally, the SCPC regularly monitors the enactment of the programs aimed at curbing corruption, but the situation on the ground is not monitored in terms of measuring the degree of corruption in the society. Instead, certain civic associations are doing this (but this is not a constant monitoring process, but merely ad hoc studies)*

would point to the potential corrupt practices of the professors and the other members of the academic staff.

Furthermore, no risk or cost-benefit analysis of corruption has been presented thus far and there is no information that the MES or UKIM are analyzing “red flags” that could be used to predict potential criminal activities. In brief, these analyses come from the business sector and refer to risk evaluation according to (1) the likelihood to occur, (2) the potential loss and (3) the price of the measures that needs to be taken. This sort of analysis yields a priority list of risks and cost-benefit studies on the most advisable measures²⁵.

Problems with HEI Evaluation

The priority of every country should be to provide quality in HE for the purpose of producing experts who will be subsequently included on the labor market. The students’ capacity and skills will directly affect the economic and social progress. As it has been said before, HE corruption may impact significantly the quality of cadre with completed higher education. Hence, the existence of control and evaluation mechanisms in education is of extreme importance. This is why almost all the countries worldwide envision tools for HEI monitoring and examination, In Macedonia, four levels of evaluation of the HEI performance have been envisioned: (1) evaluation performed by the Higher Education Accreditation and Evaluation Board, (2) external evaluation that every HEIs should do periodically, (3) HEI self-evaluation and (4) evaluation of the academic staff after each semester.

According to the LHE, the primary task of providing and grading the quality of higher education is performed by the Accreditation Board, which is formed by the Government of the Republic of Macedonia²⁶. This is a body that should have full insight into the HE developments and that may play a crucial role not only in fighting corruption, but also in promoting education in Macedonia in general. Before the 2011 amendments to the LHE, two separate bodies had been envisioned: the Accreditation Board and the Evaluation Agency. Yet, according to the State Audit Office report, the Evaluation Agency has never been formed. This concludes that there had been no state mechanism to monitor the quality of Macedonian education and thereby no direct insight into

25 Jaques Hallak, Muriel Poisson, “Corrupt Schools, Corrupt Universities: What Can Be Done?”, UNESCO, International Institute for Educational Planning, (2007)

26 Article 68, Law on Higher Education, “Official Gazette of the Republic of Macedonia” no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

the HE situation by 2011. This means that no systematized objective information about the relations and the situation in HE had existed earlier.

The 2011 amendments to the LHE merged these two bodies in a single Higher Education Accreditation and Evaluation Board. The board is entrusted with accrediting the scholarly institutions that wish to perform higher education activities of second and third cycles, verifying whether all the requirements to perform higher education activities have been fulfilled, assessing the quality of the academic activities within the institution, revoking or confirming accreditations on the basis of work reports, giving recommendations for the promotion of the HE work and so forth²⁷. Most of the mechanisms that can be applied to curb HE corruption and that are stipulated in the legal documents that regulate the functioning of board and will be discussed in the part entitled *Legal and Other Acts Related to Corruption and Higher Education*.

In this part, we will shortly discuss the functions of the board and its influence on the emergence of HE corruption. Namely, over the past few years both the students and the remaining stakeholder who either work or take part in the HE sphere have criticized this body. First of all, the Board does not have its own website (although this is envisioned under the legal acts that define the functions of this body) or any other kind of media outlet through which it can communicate with the public. So, there is no public report that analyzes the performance of the HEIs in our country. On the other hand, most HEIs have posted on their websites the accreditations of their programs.

Furthermore, during the academic year of 2014/2015, which was a rather turbulent year in the Macedonian academic community (given the student protests organized by the Student Plenum, the raiding of a few universities in Macedonia, the external evaluation of UKIM, the amendments to the Law on Higher Education, the government's proposals for the opening of two new state universities in Macedonia), the board did not convene once²⁸.

The seriousness of the problem with the Evaluation and Accreditation Board may be seen from the following statement of a State Education Inspectorate inspector:

27 Article 71, *Law on Higher Education*, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015, 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

28 Slavica Filipovska, "Board for Accreditation and Evaluation of Faculties is Hibernating", NOVA TV, 2015. Accessed 15 May 2016, <http://novatv.mk/odborot-za-akreditacija-i-evaluacija-na-fakultetite-hibernira/>

“It needs to be seen which university possesses what kind of quality. It needs to be specified what the autonomy of the university and academic freedom means and what student inclusion in the decision-making process means, with a special focus on the curriculum, the research work, the creative work and so forth. When it comes to providing and evaluating the quality of higher education in legal terms, there is the Higher Education Accreditation and Evaluation Board. In practice, only the Accreditation Board functions, while the evaluation process, which should be performed by the same body, does not exist. This is illogical for the mere reason that this implies a kangaroo court. This means that the new law should separate this body into two separate bodies, that is, boards: an Accreditation Board and an Evaluation Board. Lack of evaluation means lacks of assessment and rating.”²⁹

This suggests that, despite the adopted indicators that enable the board to directly assess the HEI degree of development, there is no such thing as genuine evaluation. The absence of monitoring of the HEI developments provides a fertile ground for corrupt practices.

As for self-evaluation and external evaluation, UKIM and each of its faculties generally obey the legal provisions and they regularly assess their progress. Their reports are publicly available on their websites. However, the problem that arises here is the lack of self-criticism and the methodology according to which the public universities prepare the self-evaluation reports.

So, UKIM’s report on the 2011 external evaluation notes the following:

“Although there is no doubt that the University has taken this process seriously, the first impression of the expert team was that this process would have had a greater contribution to the University if it had assumed a more thorough and self-critical approach.”³⁰

Also, the UKIM’s report on the 2015 external evaluation reads:

“...the whole team suspected that the evaluation process was not fully understood and that it did not include the overall university community as proposed by the IS. Also, the talks with the personnel and the students have

29 Milcho Veljanovski, “Kangaroo Court: Educational Inspector Gjorgji Ilievski Seeking New Concept for Higher Education Evaluation” *Academic*, 2015, Accessed 15 May 2016, <http://www.akademik.mk/kadija-te-tuzhi-kadija-te-sudi-prosvetniot-inspektor-gorgji-ilievski-bara-nov-kontsept-za-evaluatsijata-na-visokoto-obrazovanie-3/>

30 “Report on UKIM’s Subsequent External Evaluation”, *European Association of Universities* (2011). Report is available at: http://www.ukim.edu.mk/dokumenti_m/297_Evaluacija%20za%20web.pdf

indicated that, although they are familiar with this process, their inclusion is not as great as required.”³¹

The aforementioned indicates that it is disputable whether UKIM represents the situation realistically or merely mentions the problems arising in the academic community. The Bologna Process Implementation Report hints at this, too, saying that the quality of the Macedonian universities and faculties, given the issued negative evaluation reports, ranges between 51% and 75%.³²

High Level of Corruption in Other Sectors

As mentioned before, the existence of corruption in social trends and the cultural practice of accepting corruption as a tool to obtain favor directly influence the spread of corruption in education.

The European Commission’s reports over the past seven years indicate that corruption is highest in the civil service. Also, it has been noted that there is little effort to fulfill the activities envisioned under the National Program for Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interest for 2011-2015³³.

On the other hand, the 2006-2015 Corruption Perception Index prepared by Transparency International- Macedonia noted a significant rise of public awareness of the existence of corruption in the civil service³⁴. Hence, on a scale from 0 to 100, where 0 refers to a civil service with no corruption at all, while 100 means a fully corrupt system, the 2006 corruption index in Macedonia was 27, while in nine years this figure rose to 42.

According to the corruption assessment report on Macedonia issued by MCMS, corruption has been listed as the fifth major problem in the country (27.9%), following unemployment, poverty, low income and high prices (which are factors that instigate corruption). The same report notes that the practical efficiency of corruption (the likelihood to get involved in corruption, which is measured by the extent to which the respondents view corruption as

31 “Report on UKIM’s External Evaluation” European Association of Universities (2015). Report is available at:http://www.ukim.edu.mk/dokumenti_m/EUA_Izvestaj-lektoriran.pdf

32 “The European Higher Education Area in 2015: Bologna Process Implementation Report”, European Commission/EACEA/Eurydice, Luxembourg: Publications Office of the European Union (2015)

33 “Commission Staff Working Document-The Former Yugoslav Republic of Macedonia Report 2015”, European Commission (2015), http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf

34 See more at: <http://www.tradingeconomics.com/macedonia/corruption-index>

an efficient solution to their problems, for example, whether corruption pays off) is high and reaches up to 5.3 (on a scale from 0 to 10, where 0 means no corruption at all, while 10 means complete corruption)³⁵.

An additional problem that arises in these terms is the population's failure to recognize corruption. According to studies, 11% of the Macedonian nationals have poor level of understanding corrupt practices, while 28% recognize these at a medium level. Furthermore, certain statistical data indicate that the public has a high tolerance threshold when it comes to corruption, so they justify it in certain cases³⁶.

Remaining Factors

In addition to the abovementioned circumstances that affect the spread of corruption, there are a number of other factors that contribute to the spread of corrupt practices. For example, most of the UKIM faculties adopt special legal acts on disciplinary measures and regulating the areas where corruption emerges relatively late. The legal acts of certain faculties are not fully harmonized with the UKIM Statute.

Also, the scope of cooperation between the state institutions and the HEIs in terms of carrying out joint activities in this field has been reduced, while the existing ones refer merely to ad hoc and unsustainable measures. An example of this are the telephone lines to report corruption, which the Ministry of Education and Science opened, but they proved to be futile because of their insufficient promotion and the lack of training for the students on how to report corrupt practices³⁷. Another example of this is the opening of offices to report corruption in a number of UKIM faculties, but they have never contributed significantly to the solution of this problem, so they were closed after a while³⁸.

In terms of this, the university has almost no anti-corruption education campaigns or large-scale activities organized by the student organizations themselves. An exception of this are the campaigns "Give the Boot to High-

35 Emina Nuredinoska, Marija Sazdevska, Borjan Gjuzelov: "Report on Corruption Assessment in Macedonia", Macedonian Center for International Cooperation (2014)

36 Misha Popovikj, "Imagine If You Were A Low Paid Clerk: The Challenges with Using Corruption Reporting Mechanisms in Controlling Corruption in Macedonia", Institute for Democracy Societas Civilis-Skopje (2015)

37 "Telephone Lines on Reporting Bribery and Corruption Are 'Dead'", Center for Investigative Journalism SKUP (2013)

38 Vesna Kuksanovikj "There Is Corruption at Faculties, But No One Dares Reporting It", Sitel (2013)

er Education Corruption”³⁹ and “Disgrace”⁴⁰ organized by the Youth Educational Forum.

Regarding the organized campaigns and promoted mechanisms to report corruption, we need to mention the two-year-long campaign called “Dare - Report Corruption” organized by Transparency International-Macedonia, which has resulted in a total of 1032 reports, 12% (second on the list) of which were precisely in the education sphere. Also, in 2011 the online platform www.prijavikorupcija.org was promoted for the purpose of mapping the corrupt practices in Macedonia. However, the number of reported corrupt practices in higher education was low, while, of the total number of reports, only one referred to an UKIM faculty. One of the reasons for this is the untimely promotion of these measures, which are usually not preserved once the projects end.

Another factor that impacts the spread of corruption is the lack of expert analyses and continuous discussion in Macedonia on this topic. This is why you can rarely find a Macedonian-language book on this subject matter that offers an expert outlook of this problem.

³⁹ Irena Stoilevska “Campaign To Give the Boot to Higher Education Corruption” (2009) http://castleofjournalists.blogspot.mk/2009/05/blog-post_1978.html

⁴⁰ “What Has MOF Done in the Past 14 Years of Its Existence?”, Youth Educational Forum (2013) <http://www.mof.mk/shto-napravi-mof-za-14-godini-postoenee/>

Data on Extent of Corruption at “Ss. Cyril and Methodius” University - Skopje

Due to the absence of systematized and continuous studies and other forms of public information, in this chapter, we will try to recapitulate the available data on corruption in higher education, or more precisely at UKIM.

For this purpose, a few kinds of data will be presented in this chapter. First of all, we will review the studies already made in our country. Then, we will analyze the reports of several state institutions in order to obtain a more detailed picture of the registered irregularities in higher education. Apart from these reports, we will review the records of the State Audit Bureau, which point to possible corrupt practices at UKIM. Finally, we will give a brief analysis of the media reports on the topic of UKIM corruption for the purpose of obtaining information about how the state media view this area and how many publicly registered cases there are in this field.

Studies of Higher Education Corruption in Macedonia

Although the categorization and the defining of the HE corrupt practices worldwide is at a satisfactory level, this does not refer to the methodologies of researching corruption as a social phenomenon. However, measuring corruption is an extremely difficult, if not impossible task. Namely, there are a few approaches according to which HE corruption could be examined: quantitative tools (measuring perception or personal experience), case studies, analysis of reports of relevant institutions, economic analysis on the impact of HE corruption on other areas or on national economy in general and the like.

It is crucial to distinguish between the actual existence of corrupt practices and the population's perception on the existence of corruption. Namely, there are often cases when the general public believes that there is corruption in particular areas, but studies show that this is not the case or occasionally some forms of corruption are believed to be absent because not enough attention is paid to them, but this is not the case. Furthermore, certain professions are historically linked with corruption, although this may no longer be the case nowadays (because of the introduction of special measures or because the social and economic circumstances have changed). Among other areas, higher education is regarded as such because professors are believed to be prone to corruption. This is why there may be significant discrepancies in the views of different interest groups (for example, the general public as opposed to the students and the other members of the academic staff) when corruption studies are made.

In Macedonia there is a serious shortage of studies on higher education corruption. It is especially important to mention here that corruption studies in the developing countries, including Macedonia, are a challenge because of the limited number of publicly available information, the reluctance of the state institutions and the higher education institutions to cooperate when providing data or raising this issue, the lack of culture among the population to take part in studies that address such issues, as well as fear and ignorance among the students about reporting on such cases or recognizing corrupt practices in general.

In our country, there is a small number of studies on the perception of the general public and the students on the extent of corruption at the largest university in Macedonia and on higher education corruption in general. Also,

there is no constant monitoring of the situation in higher education, which further complicates the process of reducing corruption in this area.

All the five studies on this topic carried out in Macedonia analyze this subject-matter from a different angle. In this chapter, we will review the separate results and statistical data of these studies.

Survey on Bribery as Experienced by Population

According to a 2011 survey of UNODC⁴¹ and the State Statistical Office of the Republic of Macedonia⁴², 17% of the respondents who had given a bribe over the past 12 months gave it to a teacher or a professor in return for a favor. Furthermore, 23% of the respondents, who were not necessarily students, replied that corruption was frequent or very frequent at the public universities. However, according to the same survey, the residents of the Republic of Macedonia (almost 92%) believe that it is unacceptable to offer money/present to a professor or for a professor to ask for money/present (93%).

Survey on Corruption in Education and Sports in Republic of Macedonia

According to a 2012 survey⁴³, nearly 30% of the respondents said that corruption in education was widespread, primarily in higher education (56% of the respondents said that corruption was widely spread in this sphere). The survey indicated that the views of the respondents from different age groups did not differ, that is, 55% of the students, older citizens and other groups of citizens said that there was a great deal of corruption in higher education. It is interesting to note that the students had a more positive view on certain issues than the other categories of citizens. For example, 38% of the students said that there was corruption in textbook publishing (that is, the cases of mandatory buying of textbooks written by their professors), while 54% of the other groups of citizens shared this view. Also, according to this survey, 29% of the students believe that corruption is widespread during distribution of

41 *United Nations Office on Drugs and Crime - Statistical Section*

42 *Enrico Bisogno, Felix Reiterer, Michael Jandl, Serana Favarin, Philip Davis: "Corruption in the Former Yugoslav Republic of Macedonia: Bribery as Experienced by the Population", UNODC and Macedonian State Statistical Office (2011), http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Corruption_Report_fYR_Macedonia_Macedonian_web.pdf*

43 *"Survey on Corruption in Education and Sports in the Republic of Macedonia", Transparency International - Macedonia (2012), http://www.transparency.mk/images/stories/prezentacii_i_izjavi_od_nastani/prezentacija_istravanje_za_korupcijata_obrazovanje_sport.pdf*

places in boarding houses, while 42% of the other categories of people think so. Furthermore, 30% of the students said back in 2012 that there was a high level of corruption when taking exams, while 39% of the other categories of people replied in the same way.

Report on Corruption Assessment in Republic of Macedonia

Although the primary aim of this study was not higher education corruption, it still provided certain information on this matter. The 2014 study⁴⁴ contained a comparative representation of the public perception in the Republic of Macedonia on corruption among the academic staff. So, in 2001, the respondents gave the university academic staff and administrative officers a medium grade of 2.7 (on a scale from 1 to 4, where 1 means “almost no corruption at all”, while 4 means “almost everyone is corrupt”), a grade of 2.5 in 2002 and a grade of 2.7 in 2014. Not all the respondents in this survey were students or members of the academic community because this survey was conducted among the general public.

Regional Study on Higher Education Corruption

So far, only one comprehensive study that analyzes the students’ views on higher education corruption has been made in Macedonia. It has been conducted by the Youth Educational Forum⁴⁵. It offers a comparative representation of the Macedonian students’ positions juxtaposed to those of their fellow students at the public universities in Belgrade, Zagreb, Moldova and Plovdiv. The study refers to the views of the UKIM students.

According to this study, the UKIM students face most corrupt practices throughout their studies in almost every respect compared to their fellow students in the region. Below, we will briefly review the UKIM students’ views on the different forms of corruption that emerge in higher education.

44 Emina Nuredinoska, Marija Sazdevska, Borjan Gjuzelov: “Report on Corruption Assessment in Republic of Macedonia”, Macedonian Center for International Cooperation (2014), <http://mcms.org.mk/images/docs/2014/izvestaj-za-procenka-na-korupcijata-vo-makedonija-2014.pdf>

45 Lazar Pop Ivanov, Petar Dimitrov, Marija Mirchevska, Martin Aleksoski: “Regional Study of Public Perception on Higher Education Corruption”, Youth Educational Forum and Anticorruption Student Network (2013), <http://www.herdata.org/public/Mof-brosura-regionalno-istrazuvanje-za-vebi.pdf>

Nepotism

Back in 2012, as many as half of the UKIM students (51.2%)⁴⁶ said that the presence of nepotism at their university is either substantial or very high. Also, nearly 30% of the respondents had been involved directly or had witnessed the phenomenon of students using their familiarity with professors to receive higher grades or to pass an exam, 22.4% of the students had been directly involved or had been informed of the use of familiarity to enroll at a faculty, while 26.4% of the students had directly witnessed an act of a professor using his/her influence at a faculty to enroll particular students at the faculty.

As for tolerance toward nepotism, the UKIM students show a lower degree of understanding and support for this form of corruption, but they would tolerate student-initiated corruption more than professor-initiated corruption. As for reporting, a high percentage (70%) of the UKIM students said that they would not report a student who takes advantage of familiarity with professors to enroll at a faculty.

Bribery

As for the corrupt practice of bribery, the UKIM students, compared to the other respondents outside Macedonia, are located somewhere in the middle of the scale. Namely, 20% of the UKIM students said that bribery was present greatly or significantly as a means to obtain benefits at their faculty⁴⁷, while 31.7% of them said that there was a low degree of bribery at their faculty. However, when the Skopje university students were asked to share their personal experience with bribery during their studies, an alarming number (39%) said that they had to buy a textbook written by their professor to receive a higher grade at a particular subject⁴⁸, while 22% said that they or their fellow students had to pay to certain professors to pass an exam⁴⁹. Also, 30% of the respondents had noticed that the students who buy the textbook of a given professor have privileges.

However, when it comes to whether they justify such moves in higher education, the students do not justify these, saying that it is wrong for a student to pay for an exam (94.4%) or for a professor to take a bribe to enable the student to pass (95.8%).

46 Comparative studies: Belgrade (38.1%), Zagreb (31.6%), Plovdiv (26.6%), Moldova (29.2%),

47 Comparative studies: Belgrade (21.4%), Zagreb (6.4%), Plovdiv (19.1%), Moldova (24.9%)

48 Comparative studies: Belgrade (18.6%), Zagreb (9.9%), Plovdiv (28.4%), Moldova (13.7%)

49 Comparative studies: Belgrade (10.5%), Zagreb (5%), Plovdiv (10.5%), Moldova (20.6%)

A high percentage (66%) of the UKIM students said that they would report a corrupt professor if the reporting was anonymous, while 27% said that they would report bribery in any event.

Cheating at Exams

Cheating in exams is one of the corrupt practices present at UKIM. So, 34% of the student respondents said that cheating in exams is significant or widespread⁵⁰. On the other hand, 32.4% of the UKIM students said that cheating at their faculties was very rare or rare. As for the students' direct experience with this form of corruption, 48.6% have cheated or know someone who has cheated in exams, while 33.1% have had experience with the use of someone else's essays.

Asked whether they would report a student who is cheating in exams, as many as 84% of the students at the Skopje university would not do this, while 12% would do this, but only under conditions of anonymity. The situation is the same when it comes to reporting a fellow student who is using someone else's work during studies. Namely, 75% of the students would not report, while 20% would report such cases, but only if the reporting is anonymous. The statistical data among the students who were asked to say whether they would report a student who was writing a seminar paper for another student was similar. So, as many as 80% of the respondents said that they would not do this.

Plagiarism

According to the 2013 survey, 43% of the UKIM students believe that this corrupt phenomenon exists greatly or to a large extent at their faculty⁵¹. The Skopje university students' personal experience with this corrupt practice was the following: 29% of the students had been involved or had witnessed a student involved in plagiarism, 23% of the students noticed that a professor was involved in plagiarism, while 20% of them witnessed a professor copying a student's work. In terms of the recent phenomenon, comparative studies suggest that the Skopje university students reported that this phenomenon was mostly present in higher education (professors copying students' works)⁵².

50 Comparative studies: Belgrade (44.8%), Zagreb (52.6%), Plovdiv (63.3%), Moldova (37.4%)

51 Comparative studies: Belgrade (24.2%), Zagreb (25.8%), Plovdiv (32%), Moldova (24%)

52 Comparative studies: Belgrade (7.7%), Zagreb (6.9%), Plovdiv (6.3%), Moldova (6.5%)

Although the UKIM students have witnessed a significant degree of plagiarism throughout their studies, they still show high level of tolerance regarding this corrupt practice. So, 20.6% would tolerate a professor involved in plagiarism, 54% would tolerate if their fellow students did this, while only 4% would tolerate if a professor copied a student's work.

Reporting and Curbing Corruption

The study also contained the reasons why the students do not report corruption when they experience it firsthand or when they notice it. Namely, the key reason why they do not report corruption is that they believe that this would not change anything (28.3%), they fear retaliation (21.4%), or they do not know where to report (17%). The Skopje university students believe that the body that should fight higher education corruption is the police (15.4%), the national anti-corruption body (14.7%) or a nongovernmental corruption watchdog (14.6%). The media was also pointed as an actor that should assume the responsibility of fighting corruption (11.4%).

Asked what measures would contribute to improving the efficiency of the fight against corruption, our students pointed to the anonymity of those who report bribery (the questions on bribery and nepotism have indicated that the students are more likely to report corruption under conditions of anonymity) and the introduction of stricter penalty for those involved in bribery (10.8% of the respondents selected these two options).

Analysis of Reports of Relevant Bodies

Annual Reports of State Commission for Prevention of Corruption

The SCPC 2005-2015 annual reports have been reviewed for the purposes of this analysis. They do not contain detailed data on the complaints in areas and the actions taken in all cases, but they do provide an overview of the initiatives that the commission submitted to the Public Prosecution for it to launch legal proceedings.

According to the 2005-2015 reports, the commission has not launched a single initiative for criminal prosecution for any case at UKIM.

Some reports mention the other higher education institutions. For example, the 2010 report noted that an initiative had been launched for the criminal prosecution of the Bitola public university dean because of abuse of state-owned property within the university campus and paying fees contrary to the rulebook issued by the Higher Education Funding Council. The commission pressed charges against the female dean for abuse of power under Article 353 of the Macedonian Criminal Code and it asked the UKLO rector to dismiss her.⁵³

The 2012 report noted that charges had been filed to the The Public Prosecutor's Office for Organized Crime and Corruption against three officials, former acting directors of the state boarding house "Pelagonija" in Skopje, for abuse of power and unconscientious work in the service through public procurement fraud⁵⁴. In 2014, charges were once again pressed against boarding house managers, but this time in Ohrid. Namely, the commission asked the prosecution to launch criminal proceedings against two persons suspected of abusing power once again during public procurement⁵⁵.

These reports indicate that the commission launched a few initiatives before the relevant bodies authorized for higher education. This may be due to a number of factors, such as the low level of reports on HE corruption, solv-

53 "Annual Report on Work of State Commission for Prevention of Corruption in 2010", State Commission for Prevention of Corruption (2011)

54 "Annual Report on Work of State Commission for Prevention of Corruption in 2012", State Commission for Prevention of Corruption (2013)

55 "Annual Report on Work of State Commission for Prevention of Corruption in 2014", State Commission for Prevention of Corruption (2015)

ing such cases through other measures (advise, admonishment and so forth), disregard for this sphere and focusing on other areas (for example, elections, work of state institutions and local self-government units, officials' asset lists), or the lack of professional cadre that would deal with educational issues.

As mentioned before in this analysis, the commission needs to be more engaged in curbing HE corruption, include education as a topic in its strategic documents and give more detailed information to the public, so that the affected sides can monitor the situation on the ground much more easily.

Reports of Other Bodies

As mentioned above, requests for free access to information have been sent to the State Commission for Prevention of Corruption, Basic Court Skopje 1, the The Public Prosecutor's Office for Organized Crime and Corruption, the Ministry of Finance through its Financial Police Office, the State Education Inspectorate and the Student Ombudsman.

Of them, only the Ministry of Finance has replied to our requests, while the The Public Prosecutor's Office for Organized Crime and Corruption has replied that part of the information was regarded as delicate, so, after performing a test of potential hazards, it has concluded not to share the information with us.

According to the Ministry of Finance reply, in 2003-2016, a total of four criminal charges have been filed against UKIM employees. In 2012 and 2013 two criminal charges were filed against a clerk working at the Pedagogy Faculty for abuse of power (Article 353 of the Macedonian Criminal Code). In 2015 two criminal charges were filed against a Faculty of Law professor for fraud while performing official duty (Article 355 of the Macedonian Criminal Code) and against the former Stomatology Faculty dean for unconscientious conduct (Article 353-c of the Macedonian Criminal Code).

Analysis of Audit Reports

An analysis of the financial trends and the HE actors' conduct in this area may point to potential corrupt or criminal deeds in the academic community. We have already mentioned this before in the part dedicated to "the red flags." Briefly, this is a concept to draft a list of the potential risks and areas where they can emerge, as well as of the indicators on whether an illegal or

unethical phenomenon is taking place. Specific irregularities in finance management may imply corruption in academic circles.

One of the rare public sources of information in terms of funding this area is the State Audit Office reports. It may be unsubstantiated to claim that the statements given below point to corruption at UKIM, but they are still worth mentioning because they give the potential directions to monitoring university corruption.

Reports on Separate UKIM Faculties

In this part, we will briefly list the few HEI self-funding reports that suggest potential corrupt practices at certain UKIM faculties⁵⁶. This analysis includes the report made by the Internal Audit Department of the Ministry of Education and Science at one of the UKIM faculties⁵⁷.

It can be noticed that there are a number of problems when the HEIs have at their disposal self-obtained funds, rather than state budget funds. All in all, the reports point to the following conclusions:

1. Improper application of accounting policies and principles;
2. Irregularities in reporting revenue/expenditures, unfounded higher payments to the faculty employees on the pretext of increased workload;
3. Unlawful use of funds;
4. Participation of academic and administrative staff in special commissions and obtaining fees for this with dean's approval, but without prior consultation with the Board of Professors;
5. Absence of proof of the objective need to hire teaching demonstrators and external associates during lectures/practical classes at bachelor's studies for a certain fee;

⁵⁶ Final report no. 0903-II6/6, "Audit of Financial Reports of Philology Faculty 'Blazhe Koneski', Skopje - Revenues Account for Self-Funding Activities" (2007); final report no. 0903-I52/6, "Audit of Financial Reports of Architectonics Faculty, Skopje - Revenues Account for Self-Funding Activities" (2009); final report no. 22-I29/10, "Audit of Financial Reports of Technological-Metallurgic Faculty, Skopje - Revenues Account for Self-Funding Activities" (2010); final report no.21-105/6, "Audit of Financial Reports of Music Arts Faculty, Skopje - Revenues Account for Self-Funding Activities" (2013); final report no. 22-223/9, "Audit of Financial Reports of Agricultural and Food Faculty, Skopje - Revenues Account for Self-Funding Activities" (2013)

⁵⁷ "Final Report of Audit of Regularities and Internal Control Systems for Activities of Faculty of Law 'Justinian I' in Skopje", no. 21-1431/2 (2014)

6. Charging for educational and administrative services on grounds not defined in the relevant price book or paying more than the determined amount, whereby the respective faculty provides funds illegally;
7. Charging services rendered to foreign students who are entitled to these services by means of scholarship, whereby the faculty acquires substantial material gain;
8. Payment of funds to individuals hired for public procurement procedures, but who are not members of the faculty public procurement commission;
9. Charging students with a fee that does not comply with the amount envisioned under the Price Book adopted by the HE Funding Council in ;
10. Giving unrealistic amount of funds used during procurement of equipment;
11. Choosing bidder at a public procurement bidding that is not ranked first in terms of the most favorable offer in economic terms;
12. Absence of rank lists for bidders at public procurement biddings;
13. Great discrepancy in number of students and number of teachers at specific departments or faculties;
14. Refusal to quote quantity and price of invoices when the relevant faculty is making professional analyses, probes and studies;
15. Paying a fee to faculty commission members contrary to the internal faculty documents;
16. Using a price book that is unapproved by the Dean's Office when the faculty offers services to outsiders;
17. Incomplete internal audit system, while the controls of parts of the system are poorly arranged and inefficient;
18. Hiring persons through Part-Time Employment Agency contrary to legal provisions;
19. Exceeding agreed costs as envisioned in public procurement procedures;
20. Procuring products not included in the public procurement agreement;
21. Failure to invite a public procurement bidding when providing products or services, despite the regulation that requires this;
22. Renting real estate contrary to the guidelines related to this area;
23. Archiving documents as official, even though they are not of such nature;

24. Archiving different documents under the same number and date.

The aforementioned suggests that some of the UKIM faculties work inappropriately in areas such as public procurement, payment of services, hiring personnel and dealing with public documents. These data should serve as an indicator of potential criminal and corrupt phenomena and compel the MES and the HEIs themselves to take urgent measures to check this and prevent similar activities in the future.

Report on Higher Education Funding in Macedonia

Inadequate education funding models are often one of the key reasons for corruption. This happens because the HE stakeholders usually believe that their efforts and knowledge are undervalued, so they are seeking alternative ways to profit. Also, this contributes to certain people complacently resorting to corruption because of the vague procedures and the overall confusion. This is why an adequate model to fund higher education should be a priority in fighting corruption.

The audit report on funding higher education indicates that most of the UKIM faculties do not calculate the cost of the programs or the students' needs, but use a simple formula according to which the overall number of students is divided by the total amount of the faculty expenses. Also, it notes that, occasionally, the participation fee of the regular students that fall under the state quota and the students who co-finance themselves is the same at all the faculties, without taking into account the specific activities of the various HEIs. This may be an indicator of potential corrupt practices at the faculties whose programs are much more expensive and that require more funds to provide complete and proper lectures. In terms of this, it has been noted that the amount of the participation fee in certain academic years is not determined on the basis of detailed analyses and calculations that cover all the actual costs arising from the different study programs.

Furthermore, according to the data received from the interviews with those in charge, it can be seen that they have difficulties following the financial plans of the separate units (the UKIM faculties) and that the university does not have a network connection with its units when it comes to financial systems. Although the LHE envisions an integrated service that will take care of the joint functions of all the faculties, some of the interviewed UKIM officials say that no objective conditions have been created yet for the functioning of this body over the absence of premises, funds and human resources. Therefore, due to the absence of this body, even despite the serious monitoring of the

financial trends in certain HEIs, the faculties may squander funds or make oversights in this area. This is rather obvious in the audit reports of the faculties that we have already considered.

One of the problems listed earlier in this analysis has been mentioned in the audit report, too. Namely, the auditors have noticed the inconsistent internal price books for the services provided at the faculties, which contravene the price book adopted by the Funding Council. A reason for this is the new services envisioned under the ECTS, which have not been included in the old price book. It is interesting to mention here the parallel between the audit reports of the separate faculties, which we have discussed above, and this report. According to the aforementioned, irregularities in charging services to students, who were often asked to pay arbitrary sums that did not comply with the price book, have been noticed at most of the faculties that have undergone an internal audit. This suggests that, owing to the absence of clearly defined rules, an opportunity arises for an unequal treatment of the UKIM students and the unfounded enrichment of certain persons or HEIs in general.

The aforementioned indicates that there is a high degree of corruption at the HEIs that is instigated by the UKIM/faculty senior officials or the employees who are in charge of the financial affairs. Yet, these facts indicate that certain HE areas require major caution and a tighter monitoring. Also, the relevant bodies, such as the State Commission for Prevention of Corruption and the Financial Police, should react to and determine whether these irregularities have actually been accompanied with corrupt practices.

Analysis of Media Reports

When the media focus on this topic, can provide significant information not only about the situation on the ground, but also about the reasons for the emergence of certain corrupt practices. For example, if the issue of corruption is constantly in the limelight, this may impact significantly the curbing of such phenomena by raising public awareness, informing the public of the forms of corruption, encouraging the potential victims to report corruption, spreading a negative public image of involvement in corrupt activities and encouraging the public to monitor the state bodies and actively oppose such phenomena.

However, this is not the case with the Macedonian media. There are occasional reports on corruption in higher education, but these are mostly inspired by civic associations or informal initiatives that address this issue or promote certain studies or when the relevant institutions issue an official announce-

ment to the public. Furthermore, the number of investigative stories on this issue is extremely low.

Throughout 2006, bribery charges were filed against the Bitola university dean at that time and a professor⁵⁸. It is interesting to note the statement of then SCPC chairman made the very same year:

“The students are paying for the student ombudsmen, but these are nowhere to be seen. Last year, we advised the faculties to adopt a program on fighting corruption. The Bitola university has drafted such a program, but not the Skopje university⁵⁹”

We will consider here two more interviews, one with the UKIM rector at that time and the other with the then education minister. Namely, in the first interview, the rector once again exempts the university from responsibility for corruption in the academic world. He says:

“Corruption and other criminal practices, as well as their prevention and punishment, fall within the jurisdiction of the other institutions. The university struggles against such phenomena by improving the quality of the university. One of these measures is the opinion poll completed by the students, in which they indicate the professors’ approach toward the study programs and the students. The existence of only eight complaints indicates that this is a random, rather than a massive phenomenon.”⁶⁰

On the other hand, then education minister gave specific information on fake diplomas from the Tetovo university:

“I carry with me 500 fake diplomas that have been proven to be counterfeited in Albania. We will certainly cooperate with the Albanian and Kosovo authorities because we have information that diplomas of the Tetovo public university have been counterfeited there, too.”⁶¹

The most frequent form of corruption is bribery, but also new ways of providing services, such as hiring professors as experts in private companies, most

58 Ivan Bojadziski “Stip Pedagogy Faculty Professor Detained for „Bribery“, *Utrinski Vesnik* (2006)

59 Unknown author, “F in Corruption for the Academic Staff“, *Dnevnik* (2006)

60 “Interview With UKIM Rector Gjorgji Martinovski: Financial Situation of Higher Education Is Critical”, *Radio Free Europe* (2006)

61 “Interview with Education Minister Sulejman Rushiti: I Carry on Me Copies of 500 Fake University Diplomas From Tetovo University”, *Radio Free Europe* (2006)

often in the companies of the parents of the students who wish to pass an exam, or organizing wedding ceremonies for the professors' children⁶².

In 2008, apart from the traditional giving of a bribe directly or through a go-between, there were reports of other form of corruption in higher education. Namely, a media report explained in detail a few corrupt schemes, such as transferring funds to transaction accounts under the pretext of these being payments for a professor's textbook or an exam tax fee. Then they mentioned cases when students learned overnight the exam questions that the professor had provided for them. As for reporting corruption and the registered cases, the reports noted that petitions were signed against certain professors at a few faculties, but the deans rejected them. It was also noted that the SOS lines on reporting corruption in education, which the Ministry of Education and Science opened, were not functioning and neither was the institution of student ombudsman. Also, only one case was reported to the UKIM Student Parliament, although this organization had opened a special telephone line to report corruption⁶³. According to the SCPS chairman at that time, only one criminal procedure was launched at that time and it was against a Pedagogy Faculty professor⁶⁴.

In 2009, charges were filed against a Philology Faculty professor for taking bribes to give additional classes to a female student and for her to pass the exam⁶⁵. Reports also noted that one of the most frequent schemes applied during bribery was for the students to pay funds supposedly intended as a donation for a book written by their professor to the professor's private gyro account⁶⁶.

In 2010, the state authorities enhanced their activities. So, the UKIM's Faculty of Economics and two other faculties, as well as the Tetovo university, opened a special anti-corruption office to resolve the cases of corruption along with MES⁶⁷. The offices were regarded as a substitute for the telephone lines, which were still dysfunctional⁶⁸. At the end of the year, they informed that no corruption case had been reported at the office⁶⁹.

62 Unknown author, "Corruption in Education Widespread, But Not Reported", *Utrinski Vesnik* (2006)

63 Zhaklina Hadzi Zafirova, "Exams Cost From 50 to 2,500 Euros Each", *Globus* (2008)

64 Zhaklina Hadzi Zafirova, "Only One Professor Accused of Corruption", *Utrinski Vesnik* (2008)

65 Unknown author, "Professor Arrested for Taking Bribes", *Vecer* (2009)

66 Antonija Popovska, "Bribery Through Professor's Friends", *Nova Makedonija* (2009)

67 Unknown author, "Anticorruption Office at Tetovo university", *Zhurnal* (2010)

68 Antonija Popovska, "You Have Made a Mistake, This Is the Ministry of Justice", *Nova Makedonija* (2010)

69 Sveto Toevski, "They Keep Quiet in Public, Unofficially They Complain of Corruption", *Deutsche Welle* (2011)

Also, according to the State Education Inspectorate, instead of employing the best students, the faculty professors had employed their own children. Nepotism was present at almost all the UKIM faculties, but most cases, 40, were reported at the Medical Faculty. Twenty cases of nepotism were reported at the Electro-Technical Faculty and seven at the Stomatology Faculty⁷⁰. It is unknown what measures were taken to eradicate this phenomenon.

The same year irregular students fees were registered at four public universities, as well as ad hoc penalty examination terms, but the Education Ministry still decided not to take any disciplinary measures or launch criminal proceedings⁷¹.

Throughout 2013, the problem with the sale of professors' textbooks, who did this by selling their textbooks at a cheaper price than the university bookstores and who did not issue receipts, became topical. A professor even blackmailed a student to buy his book so that the student can pass the respective exam. According to the UKIM student ombudsman's statement, this phenomenon was most prominent at the Faculty of Economics, the Faculty of Law, the Physical Culture Faculty and the Medical Faculty, but it was also widespread at UKIM in general. Two cases of this kind were reported to the State Education Inspectorate, but these were not resolved⁷². During an inspection of the Public Revenue Bureau, at one of the UKIM faculties it was noticed that a professor left a book at the university bookstore to be sold without a receipt, for which the professor was punished. As for reporting corruption at the university anti-corruption office and on the MES SOS lines, not a single case of corruption among the academic community was reported there⁷³.

The same year, a workshop where university diplomas were counterfeited was found. It, among other things, printed diplomas for the UKIM faculties and later sold these to foreign nationals. It was not explained whether members of the academic community had been involved in this business, too.⁷⁴

In 2014, the special anti-corruption offices at the faculties were closed because the institution student ombudsman took over this duty. The UKIM student ombudsman did not receive a single report on bribery or similar corrupt practices and neither did the State Education Inspectorate. In one of its

⁷⁰ Unknown author, "Nepotism at UKIM Faculties:", Kanal 5 (2010)

⁷¹ Antonija Popovska-Hristov, "Deans Do Not Assume Responsibility for Extra Charges", Nova Makedonija (2010)

⁷² Unknown author, "Professor Selling Books at Half Price", Dnevnik (2013)

⁷³ Unknown author, "Telephone Lines on Reporting Bribery, Corruption Are 'Dead'", mkd.mk (2013)

⁷⁴ Unknown author, "Police Find Workshop for Counterfeiting DUT Diplomas Bound for Italy", mkd.mk (2013)

statements, the Student Parliament exempted itself from responsibility when a student had a problem of this kind⁷⁵. That year there were two cases of fake diplomas or academic transcripts, but it is unknown whether members of the academic community had been involved in this affair⁷⁶.

The media reports by the end of 2015 indicated that 19,091 documents had gone through the www.plagijati.mon.gov.mk database. Of the total number of academic studies, 101 had a 30% match with another study, 74 had a 50% match with another academic study, while 218 were a complete match of another study. According to the statements of the relevant Ministry of Education and Science officials, the academic studies that fully coincided with earlier studies actually turned out to refer to the same document, rather than to actual plagiats. However, the statements of a few deans and professors at the Macedonian public universities criticized this concept because the system operated through recognition of words, rather than through recognition of paragraphs. This is why the system often identifies plagiarism, although this is not the case⁷⁷.

Before the issuing of this analysis, in 2016 a major corruption scandal involving eight employees of the UKIM Faculty of Economics was revealed. This has been the most important operation of the state authorities and it involved people who have been under surveillance since 2014. Reports indicate that Faculty of Economics students reported that these professors sought bribes directly or indirectly in 2015 and 2016 in order to perform activities that they were not allowed to perform, that is, to enable the students to pass the exam without the students showing the required knowledge for this. The defendants have asked for different sums from the students, ranging from 500 euros to 1,000 euros, on several occasions and there is evidence of this. In return, the students passed the exam, even though they did not deserve this. There were also cases where students who were either not entitled to take the exam or who had not registered the exam for that particular examination term received a grade, too. Furthermore, part of the defendants asked for sexual favors from students⁷⁸.

The same year, reports emerged of a form of academic dishonesty that is widely spread in our country, but that is still not regulated: writing MA and

75 Antonija Popovska Hristov, "No Student Reported Bribery This Year", *Nova Makedonija* (2014)

76 Unknown author, "Student Caught With Counterfeited Academic Transcript", *mkd.mk* (2014)

77 Naum Kotevski, "Computer Reveals Plagiats, Institutions Keeping Quiet", *Utrinski Vesnik* (2015)

78 Unknown author, "Chavkov: Faculty of Economics Professors Charged 500-1,000 Euros", *telegraf.mk* (2016)

PhD theses on someone else's behalf, without making a plagiat. A professor at one of the UKIM faculties wrote:

“The faculties in Macedonia are simply not interested in this problem. What they are interested in is the applicants' money. The system is corrupt. It has been made as such so that certain people can earn a lot. Even some professors are constantly in the dissertation commissions that evaluate the MA or PhD theses. The fees are good and received for little effort... Everyone gets a slice of the cake.”⁷⁹

This indicates that corruption changes form and that different practices apply for different times. So, some 10 years ago the standard direct bribery or bribery via mediators was present, but then emerged the schemes of buying objects or paying services that the professors may use subsequently. As times passes, the forms of the students' mandatory purchase of textbooks or transferring funds to special gyro accounts with the designation of “donation for textbook” started prevailing. Over the past few years new forms of plagiarism have emerged, that is, writing academic studies on someone else's behalf, which is a corrupt practice that has been disregarded or not regulated under Macedonian law.

The general conclusion is that the Macedonian media report on higher education corruption, but not sufficiently. These are most often texts that report on specific cases of corruption or when the state bodies or the civic associations address this issue. There are few investigative stories on this matter, though.

In terms of their contents, it can be noticed that the media report on the traditional forms of bribery when taking exams or through the sale of textbooks or exam questions, while there is almost no report or analysis on other forms of corruption. This is why there is a serious lack of information on nepotism at the HEIs, the unlawful public procurements, the illegal charging of different kinds of administrative services and the like.

⁷⁹ Aleksandar Manasiev, Semir Mujkikj, “Diplomas on Sale: Grey Economy Flourishing in Macedonia and Bosnia”, *Deutsche Welle* (2016)

Legal Acts on Corruption in Higher Education

When it comes to anticorruption provisions in higher education, the Macedonian legislation regulates this field through certain laws and bylaws. Some of them define the corrupt practices, while others envision mechanisms to curb or prevent corruption in higher education.

It is of vital importance to mention that, apart from the general laws on the issue of corruption in society, these cannot be fully applied in academic relations because of university's autonomy and because it requires a different arrangement of its internal relations. An example of this is the Law on Prevention of Corruption provision that stipulates that professors and other cadre should report their assets by filling in survey forms, but professors do not abide by it.

When the provisions that refer to the other categories of public officials are not applied, they will merely serve as a guideline for the principles that need to be incorporated into the university acts or the bylaws.

As mentioned before, no legal document that explicitly defines the forms of higher education corruption or that promotes systematic measures to prevent or punish corruption in this field has been adopted either at a state level or at a university level in Macedonia. In this part, we will provide a brief overview of the anticorruption provisions in the state and university laws and other legal acts.

Laws

Law on Higher Education

The activities of the higher education institutions are of public interest⁸⁰. This law does not contain disciplinary measures and the types of disciplinary offenses, but leaves the universities to define this matter in their statutes⁸¹.

This law does not promote systematic anti-corruption provisions, but provisions that ban the representatives of the academic community to make students buy textbooks that differ from those proposed and printed by the Ministry of Education and Science (that is, the literature approved by the ministry)⁸².

Under this law, the failure to post the list of basic literature on the website of the higher education institution where the relevant professor is employed is punishable. These measures partially prevent the problem of forcing students to buy textbooks written by a particular professor for the purpose of passing an exam or receiving a higher grade.

Furthermore, it also bans bestowing a title upon a person at a faculty department where his/her cousin (regardless of whether a close or distant one) works⁸³. It is also prohibited for a person who is a cousin, a spouse or a live-in partner of a candidate to be a member of the MA or PhD dissertation committee. This provision also bans family ties between the commission members⁸⁴.

In terms of preventing conflict of interest, the law bans the rector, deputy rector, dean or professor to have both public and political office. So, a rector or a deputy rector must not hold another public office or be a party official. The

80 Article 4, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

81 Article 10-a 2, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

82 Article 167-2, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

83 Article 125, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

84 Article 113, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

dean or deputy dean, as well as the college director, cannot hold any other public or political office.⁸⁵

A person who has been appointed professor or assistant and whose former job is put on hold in order to assume another office may teach and hold exams on Fridays, Saturdays and Sundays, but cannot be a mentor or an MA or PhD dissertation committee member and cannot receive a fee from a higher education institution for his/her teaching, research or practical work⁸⁶.

Law on Prevention of Corruption

The general framework of the measures and activities aimed at preventing corruption is laid out in the Law on Prevention of Corruption. It refers to the professors and the other employees at the higher education institutions, as well as to people performing public functions, that is, civil servants (hereinafter officials).

Under this law, corruption is defined as abuse of office, public authorization, duty and position for acquiring any kind of gain for yourself or for others⁸⁷. We can see that the lawmakers have chosen a broad definition here, in which the element of abusing power for personal interest is the most important.

In this part, we will consider the prohibited practices included in this legal act that refer to higher education or that promote principles that have been subsequently incorporated into more specific legal acts at a university level.

Ban on Abuse of Office

The persons to whom this law applies are banned from abusing office to commit or enable unlawful actions or to impede a legal activity for their personal benefit or the benefit of another person⁸⁸.

⁸⁵ Article 64, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

⁸⁶ Article 133, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

⁸⁷ Article 1-a, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

⁸⁸ Article 2, Law on Prevention of Corruption, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

The law entitles anyone who detects abuse of office for personal goals, activities for personal gain, or activities that harm others to prevent and report these⁸⁹. The parties damaged from the corrupt practices are entitled to compensation for damage and other kind of reimbursement⁹⁰.

The law contains a more specific provision on public officials. Hence, the person performing public functions must not abuse his/her office for personal gain. Also, if there is reasonable doubt that the persons performing public functions or the members of their families have increased their assets disproportionately, the Public Revenue Office may conduct an investigation⁹¹.

Ban on Holding Other Offices

Under Article 21, an official cannot perform any other profit-making activity that is not related to his/her office and duties.

The official could perform other activities only after a prior approval of his/her superiors. An official cannot simultaneously hold a senior position or be a member of a management board in a public enterprise, public institution or another state-run legal entity in case of election, appointment, or acquiring a status of an official before stepping down from his/her previous office. Officials cannot be members of an administrative board or another managerial board in a commercial entity or in another profit-making legal entity.

The penalty for violating these provisions ranges from 500 to 1,000 euros, while this act is regarded as misdemeanor.

The aforementioned provisions indicate that the lawmakers have included two elements that should be taken into account when regulating the status of public officials. First, the ban refers to profit-making activities. Second, there is the ban on holding more posts at once. As for the latter, every public institution needs to prepare internal legal acts that will specify the conditions for this because performing more functions at once is a broad category that depends on the line of work of certain institutions⁹².

89 Article 4, *Law on Prevention of Corruption*, "Official Gazette of the Republic of Macedonia" no 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

90 Article 5-a, *Law on Prevention of Corruption*, "Official Gazette of the Republic of Macedonia" no 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

91 Article 55, *Law on Prevention of Corruption*, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

92 Miodrag Labovikj, Nikola Tupanchevski, Jadranka Dabovikj Anastasovska, "Collection of Law on Prevention of Corruptions". Foundation Open Society Institute (2006)

Restricted Cooperation With Legal Representatives

Under Article 22, an official cannot establish business relations with a legal entity that he/she or a member of his/her family has created or the manager of which is a member of his/her family while performing public functions, while, if the legal entity had been established before he/she assumed office, he/she must be excluded from the decision-making processes in the same.

Otherwise, the aforementioned persons are obliged to report this to the State Commission for Prevention of Corruption. If the respective official violates these provisions, he/she should pay a fine.

Through the prism of higher education, this law provides the grounds to launch criminal proceedings against professors who print textbooks in their own publishing house or the publishing house owned by their relatives, for example. Another example of this is when professors offer services to students through legal entities run by their cousins or themselves. This provision also bans professors or the higher education institution leadership to make cooperation agreements with firms that render services to students, such as organizing excursions, offering printing services, organizing graduation ceremonies, photographing students, issuing grade books and so forth, that are run by them or their relatives.

In this case, the law envisions the resignation of the respective official.

Ban on Employing Close Relatives

An elected or appointed official in a public enterprise or another state-run legal entity is obliged to inform the State Commission for Prevention of Corruption of every election, appointment, employment or promotion of a family member in a state body, local self-government unit, public enterprise or another state-run legal entity within 10 days of the election, appointment, promotion or employment.

As for higher education, this provision should apply restrictively, primarily because of the autonomy of the higher education institutions and the special status of the professors in terms of employing new personnel and making the job specifications. In these terms, the professors in Macedonia are not obliged to report the employment of their relatives in a state institution or in a local self-government unit.

However, despite this, the law provides a framework with which the higher education institutions should comply to foil nepotism and cronyism. This is

for the purpose of preserving the merit system, that is, the principle of career promotion for job qualifications, rather than for personal contacts or family ties. The internal acts of the university respect and incorporate these principles of organization. These will be reviewed below in the part called UKIM Legal Acts.

Ban on Receiving Presents

Under Article 30, presents or promises of presents are prohibited, except for presents like books, souvenirs or other similar presents of small values that are given on special occasions.

The law stipulates no penalty for the violation of this provision.

This ban is part of the Law on Public Officials, which elaborates in detail the sorts of acceptable presents and their maximal value.

Conflict Between Personal and Public Interest

In the event of conflict between personal and public interest, the official is obliged to heed public interest. Conflict of interest is defined as a conflict that exists when a person who performs official or other kinds of functions that affect the material interests of the relevant person or the members of his/her family⁹³.

This article points to the lawmakers' intention to set up a hierarchy of interests among the officials during office hours. The second paragraph of this article further elaborates on conflict of interest in two possible scenarios: first, when certain activities may downgrade the officials' material status because of his/her position in a public institution or another state body and, second, in cases when the official can abuse his/her office precisely because of his/her status and thus acquire undeserved material gain.

The law stipulates that any official should ask for replacement under circumstances that imply conflict of interest. If the conflict of interest is obvious, the decision will be made by the body that has elected or appointed the relevant official even if the official does not request this or objects to this.

⁹³ Article 38, Law on Prevention of Corruption, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

Under the law, withholding information on conflict of interest is regarded as a serious violation and a basis to press charges for political and disciplinary liability⁹⁴.

Illegal Requests From Superiors and Reporting Illegal Acts

The officials who are asked by their superiors to commit illegal, dishonest and disloyal acts for the purpose of providing privileges or discriminating against natural or legal entities are obliged to report this to the relevant bodies.

Furthermore, the official is obliged to inform his/her immediate superior in writing if the immediate superior insists on the aforementioned activities even after an oral objection. The written note exempts the official from the obligation to commit unlawful activities and acquits him/her from possible prosecution⁹⁵.

Furthermore, the law notes that all officials are obliged to report every punishable act and violation of the law that have been detected while performing their duties.

The aforementioned provisions provide the professors with ground to be obliged to oppose and react before the relevant bodies when their superior, colleague or another member of the academic community instigates immoral and dishonest practice.

These provisions directly refer to cases when high-ranking HE officials make professors or assistant professors commit corrupt acts.

Ban on Influencing Other People

The officials must not abuse their office to exert influence on other offic working in a state body, public enterprise or another legal entity for him/her to make or reject a decision, do something and disregard or tolerate certain actions for personal gain, or to cause harm to another person.

⁹⁴ Article 39, Law on Prevention of Corruption, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

⁹⁵ Article 40, Law on Prevention of Corruption, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

Also, these people cannot be involved as mediators or representatives in commercial or other kinds of deals between legal entities and individuals⁹⁶.

The aforementioned suggests that, apart from opposing corrupt physical activities, lawmakers have banned the act of influence, that is, instigation of certain conduct for the officials' personal benefit, rather than for meeting the clients' actual needs.

Ban on Taking Bribe

The official or a senior official in a public enterprise or another state-run legal entity who is offered a bribe is obliged to take protective measures to identify the briber and report him/her to the relevant bodies.⁹⁷

This provision is aimed at strengthening the lawmakers' intention to provide significantly higher responsibility from officials if they are offered a bribe. It obliges certain categories of people to take specific measures to prevent bribery by urgently identifying the briber before he/she leaves the premises where the bribe was offered and immediately informing the Ministry of Internal Affairs, the Finance Police and the State Commission for Prevention of Corruption of this. The act of taking and giving bribes has been regulated under the Criminal Code, which will be reviewed below.

Procedures in Case of Corruption Charges

The person accused of corruption should immediately inform of this the body that has elected or appointed him/her, his/her superiors and the State Commission for Prevention of Corruption⁹⁸.

If a full professor commits a corrupt practice, he/she is obliged to inform the University Senate of this, as this is the body that appoints full professors at the university. On the other hand, docents, adjunct professors, scientific associates, associate professors and assistant professors are obligated to report this to the Board of Professors of their respective faculties. This increases the liability of the persons who carry out corruption in front of their colleagues.

⁹⁶ Article 42, Law on Prevention of Corruption, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

⁹⁷ Article 44, Law on Prevention of Corruption, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

⁹⁸ Article 45, Law on Prevention of Corruption, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

This provides the faculties with an excellent opportunity to register the different types of corruption and the dynamics of the corrupt practices.

Annulment of Legal Acts and Compensation for Damage

The legal acts that are a result of corrupt practices are regarded as null and void. Any person with a legal interest may seek the rescindment of these legal acts by submitting evidence of an effective court verdict that confirms the existence of corruption. Any person who has been damaged with corruption (actual damage or lost profit) is entitled to compensation under the principles of solidary responsibility of the perpetrator who has been charged with corruption or by the body, the public enterprise or another state-run legal entity in which that person was employed at the time of the act of corruption⁹⁹.

The legal provisions protect every person who is a victim of corruption and entitle him/her to seek the annulment of any legal act that has been a result of corruption. The category of people who can seek rescindment has been expanded, so every person with a legal interest can launch a rescindment procedure. In terms of higher education, this would mean that every decision made with corrupt practices may be proclaimed null and void. For example, if a professor obtains tenure with the help of bribery, his/her tenure may be revoked. The same refers to the grades received, the decisions of the faculty and university managerial bodies, the decisions on disciplinary procedures in the HEIs, the issued graduation degrees and certificates, the bidding procedures and even the decisions made by the state bodies in terms of funding, determining the number of the ethnic community students and the number of students enrolled.

However, the law stipulates that a legal act can be rescinded only if there is an effective court verdict. This is for the purpose of protecting the persons who are still under criminal investigation and might be wrongfully accused. .

Law on the Prevention of Conflict of Interest

This law defines conflict of interest as a conflict between the official's public authorizations and duties and his/her private interest, during which the latter influences or may influence the performing of the former. Public interest is defined as the common interest for the general welfare and progress of all the

⁹⁹ Article 46, *Law on Prevention of Corruption*, "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, 10/08, 161/08, 145/10, 97/15, 148/15

people both in material and immaterial terms under equal conditions, which may be endangered by causing material or immaterial harm as a result of a conflict between private and public interest.

This law abides by the principles set by the Criminal Code and the Law on Prevention of Corruption. Namely, an official performing public functions must not be governed by personal, family, religious, political and ethnic interests, pressures or promises from his/her superiors. An official must not receive or seek benefits for performing his/her duties, receive rewards or any other benefits when performing public functions, seek and receive rewards or favors to vote for or against a decision and influence the decision of a body or a person for personal benefit or for the benefit of persons close to him/her. In view of the topic discussed, we will provide a brief overview of the last provision. In terms of higher education, it means that professors and the remaining academic staff must not vote under the influence of the faculty and university managerial bodies. This is of great importance because the professors take part in the decision-making processes of the Board of Professors, the commissions and the remaining faculty bodies where crucial decisions are made for the functioning not only of the respective faculties, but also of the university itself (for example the election of the professors-senators who decide on the work of the highest university body: the University Senate).

It is interesting to note that this law underlines that officials must not promise employment or another benefit when receiving presents or promises of presents. As for receiving presents, this law envisions the same procedures as the Criminal Code, but it also provides more detail. So, apart from the official having to identify the briber and reporting him/her to the relevant body, he/she should submit a written report to the State Commission for Prevention of Corruption within 48 hours¹⁰⁰.

This law also prevents influence on making decisions on public procurement or any other abuse of office to influence a decision for the personal interest or benefit of the official or people close to him/her¹⁰¹.

Also, it notes that an official must not perform any activities that may disrupt the impartial performing of public functions. This provision is of great importance for professors who, apart from performing academic activities, are also active in other spheres. Most often professors start a political career and are

¹⁰⁰ Article 16, Law on Preventing Conflict of Interest, "Official Gazette of the Republic of Macedonia" no. 70/07, 3/08, 114/09, 98/10, 6/12, 153/15

¹⁰¹ Article 5, Law on Preventing Conflict of Interest, "Official Gazette of the Republic of Macedonia" no. 70/07, 3/08, 114/09, 98/10, 6/12, 153/15

thereby involved in the work of other state bodies, such as ministries or the Assembly. This is precisely why in 2013 the State Commission for Prevention of Corruption issued a public admonishment to an UKIM Faculty of Law professor who was also an Assembly deputy¹⁰².

The next provision bans officials from running commercial entities, so, under the law, they need to put their public office on hold. This is stipulated under the Law on Prevention of Corruption. This provision also refers to appointing a member of a managerial or supervisory board of a trading company or a state-run entity¹⁰³. The law goes as far as banning participation in the managerial boards of nonprofit organizations and other kinds of organizations for a fee. When an official takes part in the managerial boards of such organizations free of charge, the official is obliged not to reveal any trade secrets or abuse the information that are at his/her disposal and that are related to his/her public office¹⁰⁴.

An official may be replaced in the event of a conflict of interest. This may happen on his/her own request or when the superiors notice this¹⁰⁵. If a body discusses or decides on matters in which an official has private interest, the official is obliged to report on his/her private interest before the debate and the decision-making process or before the beginning of these proceedings at the latest.

The only measure envisioned under this law is public admonishment, which is issued in the public media¹⁰⁶.

Law on Public Sector Employees

Under the LHE, the higher education employees are divided into three categories: administrative officials, officials who provide public services in higher education institutions and technical personnel. The provisions of the Law on Public Sector Employees apply to the higher education institution employees

¹⁰² Unknown author, "Assembly Deputy Ana Pavlova Danevska Receives Public Admonishment for Conflict of Interest" 24 Vesti, 2013, Accessed 15 May 2016, <http://www.24vesti.mk/pratenichkata-ana-pavlova-danevska-dobi-javna-opomena-za-sudir-na-interesi>

¹⁰³ Article 18, Law on Preventing Conflict of Interest, "Official Gazette of the Republic of Macedonia" no. 70/07, 3/08, 114/09, 98/10, 6/12, 153/15

¹⁰⁴ Article 20, Law on Preventing Conflict of Interest, "Official Gazette of the Republic of Macedonia" no. 70/07, 3/08, 114/09, 98/10, 6/12, 153/15

¹⁰⁵ Article 12, Law on Preventing Conflict of Interest, "Official Gazette of the Republic of Macedonia" no. 70/07, 3/08, 114/09, 98/10, 6/12, 153/15

¹⁰⁶ Article 25, Law on Preventing Conflict of Interest, "Official Gazette of the Republic of Macedonia" no. 70/07, 3/08, 114/09, 98/10, 6/12, 153/15

who have the status of providers of public services (that is, full and adjunct professors, associates, assistants, docents, and the like) and the technical personnel (janitors, suppliers, housemasters, guards, and the like)¹⁰⁷.

This law offers a broad array of provisions that directly or indirectly ban corruption or promote ethical conduct in the civil service. Hence, this legal act promotes a few principles that the civil servants should abide by.

Namely, the civil servants must provide an impartial enactment of the laws, thereby providing the public with protection and ability to exercise its rights without inflicting harm upon other individuals or legal entities. Furthermore, they should perform their duties without any political bias and while disregarding their political beliefs and personal financial interests. The civil servants must respect the objectives, interests, reputation and integrity of the institution where they are working¹⁰⁸. In terms of higher education, this means that the professors and the remaining academic staff must work to fulfill their duty of creating, protecting and conveying knowledge for the purpose of providing social and economic welfare and social progress, as well as to prepare the students for vocations that require the use of scientific discoveries and knowledge, to enable cultural and lingual diversity, to encourage technological advancement, and the like¹⁰⁹ without abusing their office to acquire material benefit or other kinds of benefits.

The crucial article in this law in terms of the anti-corruption recommendations is The Principle of Preventing Conflict of Interest, which notes that the civil servants must not cause a conflict between their personal, material or other kinds of interests and the public interest, thereby causing a conflict of interest¹¹⁰.

The Law on Public Sector Employees contains a few more principles that prevent certain forms of corruption. For example, regarding corruption during job distribution, The Principle of Equal Conditions and Access to Job, Appropriate and Just Representation notes that the employment procedure must be respected during job distribution, that is, internal or public job advertisements have to be issued (depending on the nature of the job and the institu-

107 Article 10-c 4, 10-d 5, Law on Higher Education. "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

108 Article 9, Law on Public Sector Employees, "Official Gazette of the Republic of Macedonia" no. 27/14, 199/14, 27/16

109 Article 3, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015., 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

110 Article 12, Law on Public Sector Employees, "Official Gazette of the Republic of Macedonia" no. 27/14, 199/14, 27/16

tions) and they have to be planned in advance in compliance with the annual employment plans prepared by the relevant institutions (in this case the faculties and the University)¹¹¹. The employment procedure must be transparent, fair and competitive and it should serve as a sieve to choose the most professional and most competent cadre¹¹². The abovementioned annual plans have to be submitted to the relevant institutions, such as the Ministry of Education and Science and the Ministry of Finance, where they will be checked. In this way, partial control is established over the number of employees in the institutions and corruption can be prevented if the higher education institutions managers employ inadequate personnel. During the election of candidates, a rank list of the most successful candidates is made. However, this law does not envision that the rank lists should be made public, which could lead to nepotism and bribery during the drafting of the rank lists.

The law contains a more specific provision on receiving gifts. Namely, the civil servants must not accept presents, apart from protocol and occasional gifts of minor value. Gifts of minor value are those whose value does not exceed 1,000 denars or gifts that are given to one person over the year that do not cost more than 3,000 denars¹¹³. The ban also refers to the close circle of relatives working in the civil service¹¹⁴. The civil servants are obliged to warn the person who gives the present if the value of the present exceeds the aforementioned value. It is interesting that this law notes that, if the value of the gift is bigger, it should be given to the employer. The relevant institution should keep a record of the received presents, which should include their value, the persons who gave the presents and the circumstances under which these were given¹¹⁵.

The civil servants who have expressed doubt either orally or in writing or who have information of a committed or possible abuse of office or other unlawful activity that imperils public interest, security and defense will be given protection and their anonymity and confidentiality will be guaranteed to the degree and in the duration that they themselves set. This is aimed at encouraging the civil servants to report any violations of the law, especially when it comes to their colleagues' abuse of office. These deeds will be reviewed below in the part called Criminal Code of the Republic of Macedonia.

111 Article 5, Law on Public Sector Employees, "Official Gazette of the Republic of Macedonia" no. 27/14, 199/14, 27/16

112 Article 6, Law on Public Sector Employees, "Official Gazette of the Republic of Macedonia" no. 27/14, 199/14, 27/16

113 Article 39, Law on Public Sector Employees, "Official Gazette of the Republic of Macedonia" no. 27/14, 199/14, 27/16

114 This category includes: the employee's spouse, a live-in partner, children, parents and people living in the same household

115 Criminal Code "Official Gazette of the Republic of Macedonia"

Criminal Code

The Criminal Code is a legal act that contains provisions on the penalties envisioned for certain corrupt practices and that stipulates a ban on abuse of office.

It contains a whole chapter that covers crimes of abuse of power. So, the lawmakers regard abuse of power as a special form or crime, or *delicta propria*. In our penalty system, the office of the perpetrator forms a constitutive element of the legal essence of the committed deed. In this part, we will review the most important penalties and crimes that refer to higher education.

In this code, the professors and other members of the academic staff are included in the category of people performing public functions¹¹⁶.

Abuse of Power

The basic corruption-related felony included in the CC notes that an official who abuses office or power, who encroaches on his/her powers, or who fails to perform his/her duties to provide benefits for himself/herself or for someone else or to inflict harm upon a third party will be punished to imprisonment lasting from sixth months to three years.

The same article, which is exceptionally important for the topic of this analysis, contains the provision that notes that, if the felony of abuse of office is committed during public procurement or if it affects the funds of the Macedonian Budget, the public funds or other state funds, the perpetrator would be sentenced to a minimum of a five-year imprisonment¹¹⁷. This is a crucial provision because the public universities have at their disposal funds from the Macedonian Budget.

It is important to mention here that a delict may consist of commission or an omission. The delict may also be committed for material or immaterial gain. The crime of this sort is premeditated, that is, the perpetrator realizes that he/she is abusing office, or encroaching on his/her jurisdictions, or not performing his/her duties properly.

¹¹⁶ Article 122, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

¹¹⁷ Article 353, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

Unconscientious Conduct

The official or a high-ranking official at a public enterprise or a public institution that violates the legal provisions on conflict of interest or acts unconscientiously when performing his/her discretionary duties, such as failing to supervise or acting irresponsibly in any other way while performing his/her duties, thus acquiring personal gain or a gain for someone else or harming a third party, will be sentenced to an imprisonment lasting from three months to three years¹¹⁸.

Embezzlement

An official that misappropriates money, securities or other portable property entrusted to the service for personal benefit or for the benefit of another party will be sentenced to an imprisonment lasting from six months to five years¹¹⁹.

Fraud

An official that resorts to criminal deception through the use of fake receipts or in any other way, thereby tricking an authorized official to make an unlawful payment, will be sentenced to an imprisonment lasting from six months to five years¹²⁰.

Unlawful Use of Properties

An official that uses money, securities and other portable property entrusted to the service in an unauthorized manner or gives these properties to a second party will be sentenced to an imprisonment lasting from three months to five years¹²¹.

118 Article 353-v, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

119 Article 354, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

120 Article 355, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

121 Article 356, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

Taking Bribes

The official who asks or receives a present, another benefit or a promise for a present or another benefit for himself/herself or for another person in return for a function that he/she should not perform or not to perform the required function either directly or indirectly will be sentenced to imprisonment ranging from four to ten years.

The official that asks or receives a present, another benefit or a promise for a present or another benefit for himself/herself or for another person in return for a function that he/she has to perform or not to perform a function that he/she must not perform either directly or indirectly will be sentenced to imprisonment ranging from one to five years¹²².

Because of the frequency of this type of criminal offences in higher education, as compared to others, we will elaborate on the meaning of the provisions of this article in detail. Also, this law should serve educational purposes, as well, in terms of recognizing this form of corruption.

Namely, this article describes the criminal offense of passive bribery. The two paragraphs above describe two types of passive bribery: 1) genuine and 2) unreal. In the first case, the official is asking for a present so as not to perform a function that he/she has to perform or to perform a deed that is prohibited in his/her line of work. The request for a present and receiving a present or another benefit, as well as the promise of a present, is regarded as a criminal act.

In the second case of bribery, we are talking about functions that the official had to perform or must not perform. This means that the official will have to do his/her job, but he/she still receives presents or other benefits for this. This kind of bribery is widespread in our country. The danger of this type of bribery is that it encourages genuine passive bribery, so the officials accept this practice as habitual and ask for presents even for the activities that they should not perform¹²³.

This is especially important to note because a criminal act is considered as committed at the point when an explicit or tacit conclusive agreement has been reached between two or more parties, regardless of whether the present

122 Article 357, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

123 Miodrag Labovikj, Nikola Tupanchevski, Jadranka Dabovikj Anastasovska, "Collection of Law on Prevention of Corruptions". Foundation Open Society Institute (2006)

has been delivered or not. This felony includes two or more sides, so it is a so-called multilateral delict. Furthermore, to commit this act, the office of one of the perpetrators will have to be abused.

Taking bribes is regarded as a serious act of felony, which can be seen by the graveness of the sentence: one to ten years in prison. In addition to this measure, the present or the received benefit will be confiscated, too.

Paying Bribes

The person who gives, promises or offers directly or indirectly a present or another benefit for another person to perform a function that must not be performed or not to perform a function that has to be performed, as well as the mediator during this process, will be sentenced to imprisonment ranging from one to five years.

The person who gives, promises or offers directly or indirectly a present or another benefit to another person to perform a function that he/she had to perform or not to perform a function that must not be performed, as well as the mediator during this process, will be sentenced to imprisonment ranging from one to three years¹²⁴.

Unlike in Article 357, which bans an official to ask for or receive bribes, this article regulates the penalties for the other persons involved in bribery. This felony is regarded as complementary to the felony of taking bribes, that is, active bribery. Here, too, we can distinguish between genuine and unreal active bribery, which are equivalents of the previously explained form of passive bribery. The acts of offering a present, promising a present to an official, handing over the present or doing a favor are all regarded as an act of felony. This means that the promise of a present, not necessarily the handing over of a present or doing a favor, and even the refusal of offer on the official's behalf will be regarded as felony.

The lawmakers envision a possibility of acquittal if the bribers report the deed to the relevant authorities in advance. However, this rarely happens because both sides involved in bribery have a personal interest in successfully performing the act of bribery.

¹²⁴ Article 358, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

As for the penalties, the prison sentence for this crime is much more lenient than for passive bribery. The reason for this is to strengthen the importance and the responsibilities of the officials during their professional engagement and to underline the increased responsibility that they have compared to the other categories of citizens.

Taking Reward for Unlawful Influence

The person who takes a reward, present or another benefit or an offer for such a benefit for himself/herself or a third person either directly or indirectly in order to abuse his/her actual or supposed influence, office or social status and reputation to seek, intervene, instigate or influence in any other way the performing of a function that has to be performed or not to perform a duty what must not be performed will be sentenced to imprisonment lasting from one to three years.

The same sentence applies to the person who uses his/her actual or supposed influence, office or social status and reputation to seek, intervene, instigate or influence in any other way the performing of a function that must not be performed or not to perform a function what had to be performed. If the person receives a reward or another benefit for mediation, he/she will be sentenced to an imprisonment ranging from one to 10 years.

The criminal act legally known as trading with interests is related to the crime of bribery. However, this does not necessarily involve an actual bribery. The deed is regarded as committed in two ways: by accepting the reward or by influencing the official who should perform a certain function. Under this provision, the perpetrator is another official or a person with a high social status and influence.

We can see here that the lawmakers envision stricter penalties ranging from one to ten years imprisonment for these perpetrators because of their line of work¹²⁵.

Counterfeiting Official Documents

An official who includes false data in an official document, a record or a log or who will not include important information or will sign and use an official

¹²⁵ Article 359, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

stamp on an official document, record or a log with false information or who uses his/her signature and an official stamp to issue an official document, record or log containing false information will be sentenced to imprisonment lasting from three months to five years¹²⁶.

Although the officials' benefits are not in the forefront here, this act also falls within the group of corruption-related delicts. In terms of the subject matter of this study, this provision is of special importance because of the phenomena of forging university degrees, writing false information in gradebooks, issuing fake documents at a faculty bearing the official stamp of the relevant higher education institution and the like. As for tertiary education, this felony is most likely committed by bribing an official and rarely ever is a self-initiated act.

Ban on Holding Office and Performing Duties

The court may ban the perpetrator who has been sentenced to imprisonment or a parole that envisions imprisonment from holding certain office or performing duties related to acquiring, using, managing and governing property if that person has abused his/her office, duty or service to commit the criminal act and if the nature of the crime and the circumstances under which it was committed suggest that the relevant person may once again abuse his/her office to repeat the crime¹²⁷.

In this respect, the lawmakers have started from the initial supposition of abuse of office, that is, abuse of the benefits that a given post offers. Although the enactment of the penalty may be debatable when it comes to certain professions, this is not the case in terms of the topic reviewed in this study.

Confiscation

No one can keep the gains acquired from the crime directly or indirectly. The acquired property will be confiscated with a court warrant that confirms that a criminal act has been committed under this code¹²⁸.

126 Article 361, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

127 Article 38-b, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

128 Article 97, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

The direct or indirect gains acquired through the criminal act, such as money, portable or importable valuable objects and any other property, real estate or assets, material or immaterial rights will be confiscated from the perpetrator. If their confiscation is impossible, another property with the same value as the acquired gains will be confiscated from the perpetrator. Direct and indirect gains will be confiscated from a third party, too, for whom the crime was committed. The confiscated property will be returned to the damaged side or, if there is no damaged side, to the state¹²⁹.

This legal provision results in greater justice when persecuting the perpetrators. Namely, the confiscation is aimed at depriving the perpetrators of the thing that have motivated them to commit the crime in the first place.

Law on Administrative Officers

The Law on Administrative Officers is a legal act that regulates the functioning of a group of higher education employees, that is, the secretariat of the university and the faculties¹³⁰.

One of the bases to take disciplinary measures under the law is the administrative officials' receiving of presents or other benefits. Also, the law bans the abuse of entrusted duties when performing functions and causing a conflict between the personal financial interests and the administrative officials' position and status¹³¹.

Law on Whistleblowers' Protection

The Law on Whistleblowers' Protection is a new legal act related to an extremely important area. Namely, it envisions the protection of people who report on cases when there is reasonable doubt or who have information that a punishable, unlawful and illegal act that violates or harms public interest has been committed, is being committed or will most likely be committed¹³².

129 Article 98, Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 132/14, 160/14, 199/14, 196/15, 226/15

130 Article 10-b, Criminal Code "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015, 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

131 Article 73, Law on Administrative Officers, "Official Gazette of the Republic of Macedonia" no. 27/14, 199/14, 48/15, 154/15, 5/16, 80/16, 127/16, 142/16

132 Article 2, Law on Whistleblowers' Protection, "Official Gazette of the Republic of Macedonia" no. 196/15

The law specifies that, among other things, prevention of crime and corruption is also public interest. Also, this legal act offers a broad definition of who can be described as a whistleblower. Part-time and full-time employees, job candidates, intern candidates or candidates for volunteers, people who are hired or have been hired by an institution, as well as people who are using or have used the services of an institutions are regarded as whistleblowers. In terms of higher education, this means that professors, former professors and other academic staff members, as well as current and former students may be whistleblowers about corrupt practices. Furthermore, the law envisions mandatory anonymity for the whistleblowers. Also, the whistleblowers do not have to prove the truth of their claims, but the authorities are obliged to react in compliance with the hearsay principle. So, every institution should appoint a person in charge who will receive the reports, while, if no person is appointed for this post, the manager should perform this function. In our case, this would be the rector or the dean of the higher education institution.

It also enables the filing of reports to the Ministry of Internal Affairs, the relevant public prosecution, the State Commission for Prevention of Corruption and the public ombudsman of the Republic of Macedonia when it is the manager who performs the corrupt deeds or when the institution does nothing to prevent the deed (after the reporting)¹³³. The law goes as far as promoting protection of whistleblowers, which should be provided by the institution where the act takes places or in some of the aforementioned institutions.

Under this law, the individuals who muster the courage to report corruption are in a more favorable position and mechanisms are thus offered to protect them. In terms of this, the proper enactment of the provisions and the informing of the academic staff members may affect significantly the number of reports on corrupt practices at the faculties.

Law on Scientific and Research Activities

This legal act is of special importance when it comes to the corrupt practice of plagiarism. Namely, this law regulates the functioning of a special electronic system that detects academic plagiarism. This system falls under the jurisdiction of the MES. Furthermore, this law obliges the higher education institutions, which are public institutions, to actively use this system.

¹³³ Article 5, *Law on Whistleblowers' Protection*, "Official Gazette of the Republic of Macedonia" no. 196/15

So, the masters or doctoral advisors are obliged to input the MA or PhD thesis in the electronic system that detect plagiates at least 30 days before the thesis is defended. The law goes as far as enabling professors in certain subjects to input the students' seminar papers into this system at least 10 days before grading them¹³⁴.

The Ministry of Education and Science respects this provision. Back in 2012 it established the website www.plagijati.mon.gov.mk, which is actually an electronic system that checks for plagiates. Apart from advisors, every interested party may post an academic study on the website to check to what extent it coincides with other academic studies from the database.

This law also stipulates the establishment of an Ethics Board, comprising nine members. Of them, six are nominated by the Inter-University Conference and three by the Macedonian Academy of Sciences and Arts (MANU). The board is tasked with monitoring and evaluating the ethical principles and values in the academic research and studies, protecting human integrity in the academic studies and providing ethical academic business relations. The board should adopt a Code of Ethics. The entities doing academic research, including the faculties and the scholarly institutions, may establish their own Ethics Boards and enact their own Codes of Ethics¹³⁵. Yet, due to the absence of public information, it is unknown whether this board has been formed at all and whether there are Ethnic Boards at separate faculties.

UKIM has its own Code of Ethics, which will be discussed below.

Other Laws

Apart from the abovementioned legal acts, there are other laws that stipulate the relations, the phenomena and the mechanisms to prevent corruption, which can be applicable in higher education. The law on Public Procurement, the Law on Financial Inspection in the Public Sector, the The Law on Public Internal financial control, the Audit Law and the Law on State Audit are only part of these. Some of them are dealing more specifically with financial transactions, so they will not be analyzed in this study.

¹³⁴ Article 54, Law on Higher Education, "Official Gazette of the Republic of Macedonia" no. 103/2008, 26/2009, 83/2009, 99/2009, 115/2010, 17/2011, 51/2011, 123/2012, 15/2013, 24/2013, 41/2014, 116/2014, 130/2014, 10/2015, 20/2015,, 98/2015, 145/2015, 154/2015, 30/2016, 120/2016, 127/2016

¹³⁵ Article 14, Law on Academic Research, "Official Gazette of the Republic of Macedonia" no. 46/08, 103/08, 24/11, 80/12, 24/13, 147/13, 41/14, 145/15, 154/15, 30/16, 53/16

As for the sphere of copyrights, which is directly related to the corrupt practice of plagiarism, an important law is the Law on Copyright and Related Rights.

Other Acts

Certain anti-corruption provisions and measures that refer to higher education may be found in other acts. So, in this part we will briefly review the legal documents that protect from corruption or that offer mechanisms to prevent corrupt practices.

Administrative Officers' Code of Conduct

As a reminder, under the Law on Higher Education, apart from professors and the academic staff that represent the group of employees who perform public functions, in the higher education institutions there are also employees who perform administrative procedures, that is, administrative officers. These persons are obliged to abide by the Administrative Officers' Code of Conduct.

According to it, administrative officers must not perform deeds of which they are aware or suspect to be illegal, unlawful and immoral. They must not succumb to pressure from their superiors to commit unconstitutional and illegal deeds¹³⁶.

Furthermore, administrative officers must not take measures to obtain personal gain¹³⁷ or use the advantages arising from their work status for personal benefit. They are also banned from offering and providing any benefits related to their status of administrative officers¹³⁸. Curbing corruption among administrative officers working in higher education institutions is of special importance because certain corrupt practices take place precisely in this area (for example, paying fees for student affairs that should be free of charge or at a lower cost, issuing documents for which a student is not qualified, doing favors in a shorter deadline compared to that for the other students, inserting higher grades and undeserved credits in the students' electronic files, changing the data in the students' electronic files, and the like).

¹³⁶ Article 5, *Administrative Officers' Code of Conduct*, "Official Gazette of the Republic of Macedonia" no. 183/14

¹³⁷ Article 7, *Administrative Officers' Code of Conduct*, "Official Gazette of the Republic of Macedonia" no 183/14

¹³⁸ Article 13, *Administrative Officers' Code of Conduct*, "Official Gazette of the Republic of Macedonia" no. 183/14

Rulebook on Organization, Activities, Decision-Making, Accreditation and Evaluation Methodology, Accreditation and Evaluation Standards and Other Issues Related to Work of HE Accreditation and Evaluation Board

The Rulebook on Organization, Activities, Decision-Making, Accreditation and Evaluation Methodology, Accreditation and Evaluation Standards and Other Issues Related to Work of HE Accreditation and Evaluation Board contains specific indicators to evaluate the performance of the higher education institutions. In this part, we will provide a brief overview of those relevant to this study that can be used to prevent corrupt practices.

According to this legal act¹³⁹ that defines the functioning of the board when granting accreditation or renewing it, the certificate will have to contain the irregularities detected within a relevant HEI. This is an excellent opportunity to monitor the work and the progress of the HEIs and prepare a systematic report on the developments in each separate institution.

Furthermore, for an institution to be granted accreditation, it has to possess a sufficient number of premises and personnel that corresponds to the expected number of enrolled students, a good self-evaluation model and internal audit procedures, its academic staff has to be appointed according to the criteria set in the national legislation and it has to possess a transparent and conscientious funding system.

As for the reports on evaluating the institutions, when preparing it, among other things, the board will have to assess whether the procedures for the employment and the promotion of academic staff comply with the previously set instructions and whether they are a result of positive past experiences (students' grades, research, lectures). Also, to get a positive grade, the employees will have to base their activities on the academic ethics, while the respective HEI will have to apply equal reward and motivation principles for the academic staff and distribute the financial resources in an economically justified way and in compliance with the prior plans.

In terms of the students, the enrolment conditions must be equal for everyone and they have to be constantly motivated to take part in academic life. The

¹³⁹ Rulebook on Organization, Activities, Decision-Making, Accreditation and Evaluation Methodology, Accreditation and Evaluation Standards and Other Issues Related to Work of HE Accreditation and Evaluation Board, Ministry of Education and Science, "Official Gazette of the Republic of Macedonia" no.151/12

grading has to be in compliance with their knowledge and the students have to express their view occasionally on the learning procedures, which should be taken into consideration in the future action plans of the HEIs. In addition to analyzing the legal acts, the board should also evaluate the situation on the ground to confirm the authenticity of the registered results.

As said before, these checks are not carried out because the Accreditation and Evaluation Board does not function.

Guideline on Criteria for Providing and Evaluating Quality of Higher Education Institutions and Academic Staff in the Republic of Macedonia

The Guideline on Criteria for Providing and Evaluating Quality of Higher Education Institutions and Academic Staff in the Republic of Macedonia is an act adopted by the Ministry of Education and Science that gives specific instructions about how the HE could perform its functions properly. The HE Accreditation and Evaluation Board assesses whether these recommendations are enacted through external evaluations, which should be held in every five years¹⁴⁰. After assessing whether the recommendations have been met, the board will give a positive or a negative grade to the relevant HEL.

This document is a successful example of indicators and measures that provide conditions for the moral and ethical work of the HEIs. This guideline first envisions the preparation of a SWOT analysis by every institution, which will pinpoint the clear goals and recommendations to improve the performance of the HEIs. Also, they need to create a clear system to monitor their strategic plans. Furthermore, the good-quality policy should set the rules for the highest form of ethical conduct of the personnel and the students and even mentions the establishment of an ethical board (which will be considered in detail in the part called Recommendations).

The guideline stipulates a mandatory and systematic monitoring of the opinion polls conducted among students and of the public procedures for the election of academic staff. The HEIs should have clear and familiar procedures for their curricula and should provide a clear and equal distribution of responsibilities among the professors and the assistant professors. It is especially important that the professors who receive three subsequent nega-

¹⁴⁰ Article 10, *Guideline on Criteria for Providing and Evaluating Quality of Higher Education Institutions and Academic Staff in the Republic of Macedonia Ministry of Education and Science*, "Official Gazette of the Republic of Macedonia" no. 67/13

tive grades at the students' polls will be prevented from holding lectures. The guideline also contains instructions on how to provide good-quality academic staff and recommends the making of public schedules of exams containing the time, the location and the name of the exam invigilator even before the beginning of the semester, a possibility to check you tests after receiving a grade and lodging a complaint, as well as transparent grading methods and criteria among every professor. The thing that needs to be welcomed here is the analysis of the number of students who have passed in each study program and in the respective higher education institution, given that special attention needs to be paid to the exams on subjects where the students fail or pass most¹⁴¹.

This document notes that the students and the young people should be informed of their higher education possibilities through placards, brochures and other material. In terms of the public procurements and the HEI funds, it reads that their number should coincide with the number of students. This is an excellent indicator that points whether a HEI delivers too much or too little material as a result of corrupt practices in the public procurement area and whether it sets unrealistic prices for certain items.

An important point here is the focus on providing a sufficient number of textbooks on the mandatory subjects, especially the books of the professors teaching at the faculty, at the faculty libraries. The HEI should pay constant attention to academic studies and register all the contracts with external assistants who serve as research contractors. In terms of this matter, the HEI should heed all the activities related to industrial rights and copyright, as well as to the sale of licenses and patents. An important indicator here is the transparency of the HEI information. The institutions are required to share all the pieces of information related to the study programs objectively, impartially and publicly. Also, the HEI should have a media outlet through which it will present information to the general public, rather than only to the academic community.

The aforementioned instructions provide a solid ground to prevent corruption and regulate some areas where corruption in HE appears, as well as to detect the drawbacks and react on time with a proper evaluation. However, as said before, due to the absence of a relevant institution that will supervise the implementation of the guideline, these recommendations are only a dead

¹⁴¹ This is especially important because this method could detect the professors who take bribery and deliberately make students fail exams in order to obtain certain benefits. On the other hand, if all of the students pass an exam, this may suggest that certain professors give good grades to the students through dishonest means (making students write books that they will later represent as their own, making students buy their textbooks and so forth)

letter for the time being and it is therefore questionable whether the HEIs adhere to these.

National Program for Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interest

The 2011-2015 National Program for Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interest¹⁴² is the first program that distinguishes separately the topic of corruption in education. Although this topic is put alongside corruption in sports, there is still a clear distinction between the measures envisioned for both areas. It is also extremely useful that an accent is put on higher education corruption. Earlier, this topic was included in the part on local self-government and civil service. So, this program predicts the following measures:

The State Education Inspectorate and other relevant bodies should introduce a regular control and supervision system, during which the controls should be permanent, rather than performed only when necessary or when there is a report of a wrongdoing;

The law should be amended for the purpose of banning the employment of civil servants in higher education institutions while holding another public office;

Regular systemic controls should be made among the higher education institutions for the purpose of assessing whether they comply with the required and offered criteria;

The practice of independent experts evaluating random textbooks should be introduced;

The bylaws should be amended in order to provide just selection, regulate the complaint procedure and determine the accuracy of the data given when distributing beds in boarding houses, as well as determine the additional criteria for the vulnerable groups of students;

¹⁴² National Program for Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interest 2011-2015, State Commission for Prevention of Corruption (2011), <http://www.dksk.org.mk/images/stories/pdf/drzavna%20programa/dprograma%2026.12.11.pdf>

Official reports containing arguments about the decision to refuse a student a place in a boarding house should be submitted;

The completed selection of students for boarding houses should be revised;

The price of textbooks should be taken into account when the MES is calculating the price of scholarship.

As we have said before, the new program on preventing corruption and conflict of interest (2016-2020) does not contain specific provisions on higher education, thereby deviating from the continuity set by the previous strategy.

UKIM Legal Acts

UKIM Statute

The UKIM Statute does not envision a special part that promotes measures that prevent and ban corrupt practices, apart from the part entitled Disciplinary Responsibility of Students.

So, among other things, it lists as the most serious disciplinary offenses the following: cheating in exams, unlawful use of audio or video equipment to record a copyright book, including the use of mobile telephones to record the professors during lectures, exercises and interactive classes and plagiarism in terms of using someone else's seminar paper or academic essay¹⁴³.

The Statute also explains the procedure to report on such deeds and to form a relevant body that will review these cases, as well as the measures that need to be taken. Namely, an ad hoc disciplinary commission should be established to rule on a specific case, while the student involved has the right to appeal.

The measures envisioned for the aforementioned disciplinary offenses are: admonishment, public admonishment and expulsion (which will refer to the academic year when the measure has been taken)¹⁴⁴.

¹⁴³ Article 328, UKIM Statute (2013)

¹⁴⁴ Article 329, UKIM Statute (2013)

The other forms of corruption that often appear in higher education, such as nepotism, bribery, purchase of textbooks in return for a higher grade on a particular subject, absenteeism¹⁴⁵ of the full professors and assistant professors, or plagiarism of students' academic studies from professors or assistant professors, have not been mentioned in the UKIM's highest legal act.

Due to the improper treatment of this matter, one of the problems that arises because of the failure to regulate these matters in the highest legal acts on tertiary education is the inconsistency of the legal documents at the faculties that deal with this matter. The legal confusion in these terms can be seen from the Supreme Court's 2002 verdict¹⁴⁶, according to which a student who lodged a complaint against a decision was permanently banned from faculty even though there were no legal grounds for this, but because of the inconsistent legal acts in a higher education institution (or more precisely the Faculty Statute and the Rulebook on Disciplinary Responsibility). The verdict read:

“...It is essential that the Statute should define precisely for what offenses and under what circumstances a disciplinary measure may be taken and it should particularly clearly specify the offenses that have led to the strictest disciplinary measure.”

UKIM Code of Ethics

UKIM's only act that clearly mentions corruption in higher education is the UKIM Code of Ethics, which explains the ethical values and norms at the university.

The Code of Ethics notes that there is no room for pressure and bribery at UKIM and that it bans corruption and ethical and sexual abuse. Corruption and other forms of unethical behavior contravene the academic spirit and activities. All the UKIM actors oppose all sorts of corruption, prevent it and refrain from using it.

The code also notes that UKIM invests special efforts against the illegal and immoral use of someone else's work (plagiarism), unethical biological manipulations and other activities that are deemed unworthy in the academic world¹⁴⁷. Also, it notes that it condemns strongly any use of literature without

¹⁴⁵ Absence

¹⁴⁶ Verdict: Permanent Banning From Faculty reg.no. 285/02, Supreme Court of the Republic of Macedonia, <http://www.pravdiko.mk/wp-content/uploads/2014/12/Trajno-iskluchuvane-od-fakultet.pdf>

¹⁴⁷ Part 4, Ethical Values in University Relations, Code of Ethics at University “Ss. Cyril and Methodius”

quoting the author, i.e. plagiarism¹⁴⁸. The Code of Ethics envisions transparency of the exams, while the grades should be explained and should evaluate realistically the students' accomplishments¹⁴⁹.

The Code of Ethics outlines the tasks that all the academic community members have to obey and promote, such as proper performing and promotion of their activities, preserving the reputation of the University and their personal reputation, revealing and spreading truth, transparent work and so forth¹⁵⁰.

Although the UKIM Code of Ethics is a good-quality summary of the moral values and postulates, still, the part on disciplinary measures in the UKIM Statute does not stipulate disciplinary procedures for cases that contravene the principles of dignified conduct and functioning of the university elaborated in the code. The Statute includes only part of the immoral behaviors written down in the code that provide the grounds for disciplinary procedures. This is why it is required to adjust the legal documents at faculty, university and national level.

Rulebook on Organizing UKIM's Publishing Activities

Besides the UKIM Statute, which is the highest legal act of this higher education institution, there are a number of university rulebooks and decisions that focus on particular issues. So, under the Rulebook on Organizing UKIM's Publishing Activities, the university can be involved in the publishing of textbooks, students' books, monographies, magazines and the like. Their publication has to comply with the rules included in this bylaw, so this internal document should contain the provisions that offer mechanism to curb corruption related to the illegal sale of textbooks or in cases when professors make their students buy certain books to pass an exam or obtain a higher grade.

The university defines how many textbooks will be issued depending on the number of students in a study program¹⁵¹.

Furthermore, UKIM has formed a Publishing Commission that regulates the contents of the books and that publishes criticism in the University Bulletin¹⁵². This is of special importance when there are more book authors because in

148 Part 5, Ethical Values in University Relations, Code of Ethics at University "Ss. Cyril and Methodius"

149 Part 6, Cooperation at University, Code of Ethics at University "Ss. Cyril and Methodius"

150 Part 1, Tasks of Academic Institutions, Code of Ethics at University "Ss. Cyril and Methodius"

151 Article 11, Rulebook on Organizing UKIM's Publishing Activities, "University Bulletin" no. 264/13

152 Article 18, Rulebook on Organizing UKIM's Publishing Activities, "University Bulletin" no. 264/13

this way there is transparency in literary criticism, so the reasons for the selection of a particular book can be discerned and it can also be seen whether the best textbook has been chosen for a particular subject.

Also, the university itself determines the price of the textbooks, while the rulebook defines the steps required to set a given price. This provision may prevent lead to corruption, too, because a professor may sell his/her textbooks for a higher price and force the students to buy them from him/her or from a particular bookshop or company¹⁵³.

The rulebook contains a provision that allows the university to form a digital university library. This issue will be discussed in the part entitled Recommendations.

However, this act does not envision measures aimed at curbing the frequent phenomena in Macedonian higher education, such as professors selling their books to students as a requirement to pass an exam or receive a higher grade. Furthermore, it does not envision the drafting of periodical reports on the work of the commission or a rector's administration in this area, which complicates the monitoring of the situation and the acts of favoring authors, publishing houses and textbook distributors.

University Rulebook on Preventing Exclusivity, Multiplication and Sale of Copyrighted Work Without Author's or Publisher's Permission

Although the UKIM Statute and certain Decisions on the Disciplinary Responsibility of the UKIM faculties envision the adoption of a University Rulebook on Preventing Exclusivity, Multiplication and Sale of Copyrighted Work Without Author's or Publisher's Permission, UKIM has not adopted such a rulebook¹⁵⁴.

153 According to an appeal lodged to the State Education Inspectorate, a Skopje Medical Faculty professor has made students buy books written by him in order to give them more credits when grading them. A group of student submitted to the inspectorate samples of the books that their fellow students had bought, which had been signed by the professor and that contained a stamp of a trade company that had gone bust.

154 Answer to request for free access to information no. 03-216/7 of 27.04.2015, "Ss. Cyril and Methodius" University - Skopje

Rulebook on Criteria and Procedures When Electing Professors, Scholars, Assistant Professors and Doctoral Assistant at the University “Ss. Cyril and Methodius” in Skopje

This rulebook details the requirements for the election of all the professions under the Law on Higher Education. Here, the author does not go into detail and analyze every specific criterion for every academic post in this part, but the provisions that could help prevent corrupt practices if obeyed will be discussed.

For example, this document defines the procedures required to obtain an academic post in UKIM, thus preventing potential procedural confusion. Namely, it specifies what body is in charge of making decisions, adopting the criteria, dealing with complaints, defining the deadlines for the procedures and forming the review commissions.

One of the most important articles of this rulebook is the one that envisions that the evaluation grades for the professors obtained from the opinion polls conducted among the students be taken into account when discussing a professor’s appointment and that they be included in the review reports, too. Apart from the students’ views, the evaluation reports on the professors should also contain specific information on the number of lectures a professor has, the number of students in his/her classes and the separate grades for every evaluated issue¹⁵⁵. This provides the students with an excellent opportunity to point to corrupt practices among professors.

Furthermore, the rulebook envisions transparency in the job advertisements and their issuing in the daily newspapers. The procedures related to the job advertisement may last a maximum of six months¹⁵⁶. These two provisions provide certain legal security that the employment procedures will be transparent, rather than held behind closed doors, and that they will not last indefinitely and be arbitrary.

The rulebook envisions the establishment of a Review Commission that will be in charge of reviewing the job applications and preparing a report on every application within three months after the application is filed¹⁵⁷. This means

155 Article 33, *Rulebook on Criteria and Procedures When Electing Professors, Scholars, Assistant Professors and Doctoral Assistant at the University “Ss. Cyril and Methodius” in Skopje (2013)*

156 Article 37, *Rulebook on Criteria and Procedures When Electing Professors, Scholars, Assistant Professors and Doctoral Assistant at the University “Ss. Cyril and Methodius” in Skopje (2013)*

157 Article 46, *Rulebook on Criteria and Procedures When Electing Professors, Scholars, Assistant Professors and*

that a person has no exclusive right to decide on the job applications, but this is the duty of a body comprising several members, which thus reduces the chance of corrupt practices (although this possibility cannot be ruled out fully). Also, it envisions the publishing of the reviews in the University Bulletin¹⁵⁸, whereby the procedures can be followed more easily and any abuses could be detected on time.

However, this document does not ban the participation of cousins or spouses of some job applicants in the review commissions, which may result in nepotism and cronyism during the employment procedure. It also does not regulate the employment of a professor's relatives in other departments or study programs at the same faculty, which has happened in certain UKIM faculties.

The provision according to which the job contract is rescinded if the employee does not fulfill his/her duties, hampers the legal and statutory activities of the university and prevents the other employees from exercising their rights or if the conditions under which a particular applicant was selected are no longer valid¹⁵⁹ is very important. This article also enables the dismissal of academic staff who has been involved in corrupt practices. For example, if a person applies for a job with a false resume or a fake graduation degree or if he/she prevents students from obtaining a good grade or passing an exam for the purpose of seeking bribes from them, his/her employment at a HEI may be terminated.

Rulebook on Requirements, Criteria and Rules During Students' Enrollment at First and Second Cycle of University Studies

The Rulebook on the Requirements, Criteria and Rules During Students' Enrollment at First and Second Cycle of University Studies is a legal document of UKIM that describes in detail the enrollment, studying and graduation requirements for this university. It also contains details on the students' enrollment, lectures, exams, exam deadlines, exam procedures, grading and acquiring a degree. These provisions set specific rules for the university studies, while some of them prevent corruption at universities, too.

Doctoral Assistant at the University "Ss. Cyril and Methodius" in Skopje (2013) (2013)

¹⁵⁸ Article 49, *Rulebook on Criteria and Procedures When Electing Professors, Scholars, Assistant Professors and Doctoral Assistant at the University "Ss. Cyril and Methodius" in Skopje (2013) (2013)*

¹⁵⁹ Article 66, *Rulebook on Criteria and Procedures When Electing Professors, Scholars, Assistant Professors and Doctoral Assistant at the University "Ss. Cyril and Methodius" in Skopje (2013) (2013)*

For example, during an exam, a professor should remove a student who cheats¹⁶⁰. Also, the professor should input the exam grades in the electronic system and submit the exam applications to the students' service. The grades are issued publicly (on a bulletin board)¹⁶¹. This enables greater transparency in terms of the grades obtained and prevents the phenomenon of a professor giving undeserved grades to students "behind closed doors".

Furthermore, the rulebook envisions open exams, rather than exams held with only one student and without the presence of other persons (other students, assistant professor, another professor and the like). The grades must be announced immediately after the oral exam.

This legal document envisions the replacement of a professor if his/her son, daughter, in-law, brother, sister, or spouse takes the exam that he/she teaches. The dean has to be informed of this¹⁶². With this provision, the university directly opposes one of the forms of nepotism.

The defending of the graduation/MA thesis should also be public¹⁶³.

Legal Acts at Faculties

Disciplinary Rulebooks

The UKIM faculties adopt Disciplinary Rulebooks, which are, acts that define the way in which the disciplinary commissions are formed and specify the grounds for disciplinary procedures. These rulebooks, which are available in an electronic form, too¹⁶⁴, predict the same grounds for disciplinary procedures and include the students' corrupt practices, too.

160 Article 39, Rulebook on Requirements, Criteria and Rules During Students' Enrollment at First and Second Cycle of University Studies, "University Herald" no.254 (2013)

161 Article 36, Rulebook on Requirements, Criteria and Rules During Students' Enrollment at First and Second Cycle of University Studies, "University Herald" no.254 254 (2013)

162 Article 42, Rulebook on Requirements, Criteria and Rules During Students' Enrollment at First and Second Cycle of University Studies, "University Herald" no. 254.254 (2013)

163 Article 47, Rulebook on Requirements, Criteria and Rules During Students' Enrollment at First and Second Cycle of University Studies, "University Herald" no .254.254 (2013)

164 The websites of all the 23 UKIM faculties were browsed for the needs of this analysis

For example, some of the most serious disciplinary violations are: cheating in exams or helping other students during exams, using mobile telephones or other electronic devices during exams, plagiarism in terms of submitting someone else's term paper or essay and the like. The disciplinary measures envisioned for these acts are: admonishment, public admonishment, starting the academic year all over again, ban on passing the respective exam in three exam sessions, taking the whole exam all over again and ban on defending MA or PhD thesis in the event of plagiarism¹⁶⁵. Some UKIM faculties predict the permanent expulsion of students from the faculty and launching a criminal prosecution for plagiarism, apart from on other deeds¹⁶⁶.

None of the UKIM faculties has a rulebook on the professors' disciplinary responsibility at a higher education institution, which would define the grounds for a disciplinary procedure against the academic staff in the event of their indecent conduct.

Yet, another problem related to disciplinary rulebooks is their non-transparency. Namely, only a few faculties have posted their rulebooks on their websites¹⁶⁷ or have put them in public places at the faculties. This is problematic because the students are thus not informed which activities are banned or punishable.

Announcement for Enrollment of New Students

Every year the faculties issue Announcement for the Enrollment of New Students. The announcements define the enrollment requirements and the application methods. They contain a set of rules that partially prevent corruption during enrollment at the faculties.

¹⁶⁵ Articles 8 and 9, *Decision on Determining Disciplinary Responsibility of Students at Faculty of Law "Justinian I" - Skopje (2007)*

¹⁶⁶ Articles 6 and 7, *Decision on Determining Disciplinary Responsibility of Students at University "Cyril and Methodius" - Skopje, Faculty of Economics, Skopje (2013)*

¹⁶⁷ According to authors, only the Faculty of Economics, the Faculty of Law "Justinian I" and the Faculty of Dramatic Arts-Skopje have issued their decision to regulate disciplinary measures and punishable deeds. The websites of these faculties were accessed on 29 April 2016.

Guideline on Preparing Master's Thesis in Second Cycle of Studies Under ECTS

Some of the UKIM faculties have issued special guidelines on how to write academic theses. Apart from the quotation and thesis defending rules, they also contain short provisions about plagiarism.

For example, the rulebook of the UKIM's Faculty of Law notes that plagiarism, that is, representing someone else's text or MA thesis as your own, is a serious disciplinary violation. The sanctions for this envision a ban on preparing and defending an MA thesis that is a plagiat¹⁶⁸.

Protocol on Organizing ECTS Mid-Term Exams, Final Exams, Essays

One of the UKIM faculties has adopted a special document that strictly regulates the examination regulations and it has been made public. It envisions the mandatory provision of information for the professors and assistant professors who conduct an exam, individual identification of students and calling their names out loud, public communication between the students and the invigilators, avoiding private consultations and the like¹⁶⁹.

The predicted disciplinary measures here are: admonishment, removal from exam and annulment of exam results for that particular student. Also, it envisions the possible use of disciplinary measures under the Rulebook on Defining the Internal Faculty Relations.

¹⁶⁸ *Guideline on Preparing Master's Thesis in Second Cycle of Studies Under ECTS, Faculty of Law "Justinian I" - Skopje (2010)*

¹⁶⁹ *Protocol on Organizing ECTS Mid-Term Exams, Final Exams, Essays, Faculty "Justinian I" - Skopje*

Recommendations to curb corruption in higher education

According to the aforementioned, it is obvious that there are corrupt practices in Macedonian higher education and that they appear in various forms amid the academic community.

The fight against this process involves a number of sectors and demands simultaneous use of a broad array of measures that would impact several levels and cover as many sides involved as possible. However, the universities in Macedonia, including UKIM, lack a systematized document that will envision all the measures for curbing corruption in the higher education institutions. Furthermore, the university lacks measures to prevent the new and contemporary forms of corruption that emerge owing to the digitalization of the faculty data and processes and the introduction of the ECTS.

As a reminder, the fight against corruption covers a broad array of activities that need to be applied among all the higher education stakeholders. The envisioned anti-corruption measures have to be precise and elaborate in order to yield positive results. Below are the measures and activities that may reduce the corrupt practices at UKIM and in Macedonian higher education in general.

Amendments, Addenda and Upgrade of Regulations

Adopting Strategic Documents on Higher Education Funding

The inadequate funding of Macedonian higher education was discussed at several occasions in this publication. The consequences of the neglect for the material aspect of tertiary education are also reflected through the emergence of corrupt practices in the academic community. So, owing to the low salaries or poor benefits, the members of the academic community resort to alternative sources of income, such as bribery.

This is why one of the most important aspects that should be tackled as soon as possible is higher education funding. This implies the adoption of strategic documents on the HE funding, as stipulated under the Law on Higher Education, finding an adequate and modern formula to fund the higher education institutions and the mandatory functioning of the Higher Education Funding Council.

Before adopting the strategic documents on funding Macedonian higher education, specific consultations needs to be organized with the higher education institutions to become better acquainted with their needs. Also, it is required to make a detailed analysis of the HEIs financial performance in order to determine the status quo and create a model that will enable the HEIs to work better.

Including Issue of Education Corruption in Action Plans of National Program on Prevention and Repression of Corruption

As already highlighted in this publication, the 2015-2019 National Program on Prevention and Repression of Corruption does not cover the issue of education corruption, unlike the previous national program, which dealt with this matter. To keep the momentum and the continuity in enacting the anti-corruption measures in higher education, it should be a state policy to include specific measures in the annual action plans on this area.

In these terms, the university may initiate the introduction of potential mechanism in these documents. This may be a good opportunity to increase coop-

eration between the university and the institutions that are responsible for the issue of corruption, as well as to impose the university as a primary stakeholder in the establishment of a national strategy on fighting corruption.

Defining Disciplinary Offences in Law on Higher Education

The Law on Higher Education does not clearly and systematically promote the bases for launching disciplinary procedures at the faculty in any of its articles. It instead leaves the higher education institutions to arrange this matter. So, there is the possibility for a higher education institution (university, faculty) deciding arbitrarily about immoral/unethical conduct. Hence, certain faculties may recognize certain corrupt practices as a basis to launch disciplinary procedures, while others may not. This is why the grounds for disciplinary procedures should be included in the LHE.

So, if the law stipulates all the forms of corruption in higher education, there would be no dilemmas and discrepancies over disciplinary offences.

This will contribute to the academic community becoming more informed about what is regarded as inappropriate behavior at the universities. Also, the defining of the disciplinary offences in the Law on Higher Education will declaratively express the wish of the Ministry of Education and Science, the lawmakers and the other state institutions to curb higher education corruption.

Setting Criteria To Monitor and detect Corruption at University and Faculties

The university, as well as the MES, should prepare indicators that will monitor the phenomenon of corruption at the university and at each separate faculty. We have briefly discussed this matter earlier in the part entitled “Analysis of the Red Flags”. This should be a strategic document that would briefly and clearly point to all the possible forms of HE corruption, including the activities initiated by the students, professors, administrative officers, managers and other officials, the risks they imply, the indicators of each separate act of corruption and the potential measures to prevent these. In this way, correct and clear indicators will be set to influence significantly or prevent the corrupt practices, that is, preempt them. As we have mentioned on several occasions now, corruption is a phenomenon that requires a serious and struc-

tured approach. Through the analysis of the potential risks, the HE practices could be observed properly and its corruption could therefore be preempted.

Thus, the university should form an expert working group that will prepare a document that clearly defines the procedures aimed at curbing higher education corruption. During this process, it is advisable that this working group should make a comparative analysis that will include examples of successful solutions at the universities abroad and that will try to adjust their solutions to the Macedonian circumstances. This document would refer more to the procedural solutions on fighting corruption in higher education.

These mechanisms are most often compiled in the form of Integrity Strategy. An example of such a document in our country is the 2011-2014 Strategy on Integrity and Fight Against Corruption in the Macedonian Customs Administration¹⁷⁰.

Summarizing Regulations on Corruption in Higher Education

The university should prepare a document that would summarize the provisions of all the legal acts that refer to the emergence and prevention of corrupt practices in higher education. This would provide a clear picture of the legal framework and it would increase awareness of the corrupt practices and measures to prevent these. Such a rulebook could contribute to raising awareness among the students and the academic staff about the issue of corruption, its forms, as well as the instruments of protection from corrupt practices at the university. This is also for the purpose of drawing this matter closer to those members of the academic community who have no legal education.

Apart from the creation of such a rulebook, it is necessary to frequently promote it to raise public awareness of the phenomenon of corruption among students, professors, assistant professors and the administrative officers.

¹⁷⁰ 2011-2014 Strategy on Integrity and Fight Against Corruption in the Macedonian Customs Administration", Macedonian Customs Administration (2010), <http://www.customs.gov.mk/Uploads/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0%20%D0%B7%D0%B0%20%D0%B8%D0%BD%D1%82%D0%B5%D0%B3%D1%80%D0%B8%D1%82%D0%B5%D1%82%D0%BE%D1%82%20%D0%B8%20%D0%B1%D0%BE%D1%80%D0%B1%D0%B0%20%D0%BF%D1%80%D0%BE%D1%82%D0%B8%D0%B2%20%D0%BA%D0%BE%D1%80%D1%83%D0%BF%D1%86%D0%B8%D1%98%D0%B0%D1%82%D0%B0%20%D0%BD%D0%B0%20%D0%A6%D0%A3%20%D0%BD%D0%B0%20%D0%A0%D0%9C%202011-2014%2003.%D0%A1%D0%A2.001.00.pdf>

Recognizing Corruption and fight Against Corruption in University Statute

Although the Code of Ethics notes that the higher education institutions should not tolerate corrupt practices, this is not the case with the UKIM Statute. The supreme law of this university does not mention this term, nor does it explicitly distinguish between the different forms of corruption. The introduction of provisions related to this issue would lay the foundations for the development of anti-corruption policies at the university, as well as promote the higher education institution as a serious actor in the fight against corruption. Thus, the university would send out a proactive message against corruption in higher education.

Setting Code of Ethics Postulates as Basis for Disciplinary Procedures

The Code of Ethics is a successful example of a document that promotes moral conduct at the university, enables dignified performing of functions in this academic institution and provides a means to upgrade ethics. This is the only document that makes the fight against corruption official, but also mentions a ban on a large number of corrupt practices that frequently appear in Macedonian higher education. So, it is necessary to set the postulates for launching disciplinary procedures for conduct that contravenes the Code of Ethics. There are already such postulates in the Law on Administrative Officers and the Administrative Officers' Code of Conduct.

Recognizing Other Corrupt Practices in UKIM Statute

As mentioned above, UKIM's supreme legal act identifies the practices that are regarded as corrupt and that set the basis to launch disciplinary procedures. However, the Statute excludes important practices that lead to an unequal treatment of the students for the material or immaterial profit of the academic staff. So, the UKIM Statute does not include the ban on giving/taking a bribe, the professors, assistant professors and other faculty employees selling textbooks, conditioning students to buy textbook as a requirement to pass the relevant exam, a ban on selling textbooks at a professor's office, a ban on conditioning students to collect signatures from professors during the semester as a condition to pass the respective exams, the registering of the students who have bought or who borrow textbooks, asking/giving sexual favors to pass an exam, professors' absence and the like. Therefore, the basis for disciplinary procedures and the omitted forms of corruption need to be

included, too. In this way, grounds will be provided to launch proceedings for the violation of the UKIM's fundamental legal act.

Adopting Clear Definition of Academic Dishonesty

UKIM's legal documents do not offer a definition of academic dishonesty. This term covers all the forms of cheating throughout the formal higher education processes and covers a wide array of immoral conducts. This term also includes corrupt practices like plagiarism, cheating in exam, lying about student's identity and bribery. It is essential to define academic dishonesty in the legal acts of the university, as well as in the Code of Ethics, in order to promote moral conduct at the university. This recommendation is aimed at influencing the values of the academic community members.

Harmonizing Disciplinary Rulebooks of Each Faculty With UKIM Statute, Other Legal Acts

Each faculty should adjust its internal documents to those of the university and the Law on Higher Education to provide compatibility and decent enactment of the legal provisions. Otherwise, a legal confusion would be created about what acts are punishable or to what extent the provisions should be implemented. This may result in an unequal and inappropriate treatment of the academic community members.

Adopting Special Rulebooks on Specific Areas Where Corrupt Practices Emerge

In the previous part, we have said that only a small number of UKIM faculties have adopted documents that strictly regulate the writing of academic studies and the examination process. Therefore, the UKIM faculties or the university itself should make such rules in order to specify the procedures and prevent corruption. Apart from this, depending on the determined needs, the HEIs may also set the rules about the other areas where corruption emerges, such as the rulebooks on the distribution of funds to student organizations and initiatives.

In terms of this, UKIM should adopt rulebooks that are envisioned under its legal acts, but which have not been adopted yet. An example of this is the university Rulebook on Preventing Exclusivity, Multiplication and Sale of Copyrighted Work Without Author's or Publisher's Permission.

Also, the existing rulebooks should incorporate the corrupt practices on which there are no regulations, but that do appear, such as a ban on a job candidate's relative being a member of the review commission, students' purchase of textbooks and the selling of exam questions.

Establishing Honor Councils

Honor Councils are bodies that can be found at the developed and prominent universities in Western Europe and the United States. These are bodies comprising students, professors and other individuals and are aimed at preserving university morality.

Namely, statistical data indicate that academic dishonesty at the universities that have such a body is at a lower level.

Bearing in mind the aforementioned studies on this topic in Macedonia, we can conclude that UKIM lacks a body whose primary task would be to promote the university relations and diminish academic dishonesty.

This body should also take care of the upgrade and the promotion of the Code of Ethics. It should advocate the adoption of new codes of conduct for specific groups in the academic community, such as professors and students.

The establishment of this body will contribute to becoming used to working on this topic and to its members acquiring specific knowledge about how to curb corruption at UKIM. Also, this council will not only deal with upgrading the legal framework of the university, but it could also be the key initiator of the anti-corruption campaign and a body that will offer legal advice in cases when the students are hesitating about certain forms of corruption.

Professionalizing the function Student Ombudsman and Changing Election Method for This Post

The student ombudsman is an independent UKIM body. According to the current UKIM Statute, the student ombudsman is chosen from among the students. The SO should protect the students' rights under the regulations of the university and the faculties. The student ombudsmen should be included in cases when a professor or another employee at the faculty/university coerces students to give money or provide other kinds of favors to pass an exam

or receive a higher grade. Also, the SO should be informed of the other procedures aimed at protecting the students who have witnessed corruption.¹⁷¹

Under the UKIM Statute, the SO is elected on the proposal of the Students Parliament, which is the only acknowledged student representative organization at UKIM, and with a vote of the University Senate. The University Senate has so far respected the Students Parliament's decision on a candidate.

However, over the past few years, a few non governmental organizations and students initiatives have warned of illegitimacy, incompetence and lack of transparency in the work of the UKIM Students Parliament. So, we believe that it can be argued whether the student ombudsmen receive their support legally, how the Students Parliament evaluates the applicants' qualifications and whether there are corrupt practices throughout the election procedure. It is debatable whether an ombudsman elected in this way is exposed to the Students Parliament's pressure. This also raises the dilemma of whether, if a student notices corrupt practices among the Students Parliament members, he/she should report to the ombudsman and whether he/she should solve this case impartially.

This institution has so far been excluded from all the corruption-related cases at UKIM. We believe that UKIM should work on promoting the position of student ombudsman to enable the professionalization of this post and increase the knowledge of the people who assume it, as well as to revise the election procedure so as to prevent the illegitimate and potentially corrupt student representative organizations from selecting the candidate for this post.

Also, UKIM should make public the SO annual reports in order to inform the public about how many students have reported violations of their rights, which rights are most often breached and how these cases are solved. This could also help make this legal mechanism for protecting students' rights more topical. Furthermore, it is advisable that reports should be issued within a shorter period of time to be able to monitor the situation at the university more actively.

The student ombudsmen should receive special training about how to tackle corruption in higher education.

¹⁷¹ Article 342, UKIM Statute (2013)

Monitoring and Evaluation of Performance of Higher Education Institutions, Academic Staff

Upgrading Activities of Higher Education Accreditation and Evaluation Board and making External Evaluations

The board that is entrusted with reviewing the situation and evaluating the quality of the HEIs performance should start functioning. As mentioned before, this body has so far not issued a single report on the situation in higher education. Although it has a good basis to perform this function (the legal acts that define in detail the indicators for effective and efficient performance), this has not happened. Therefore, this institution needs to be taken seriously because it indeed plays an important part not only in promoting HE in our country, but also in preventing and detecting dishonest and immoral conduct in the academic world.

What is crucial here is to abide by the regulation on the composition of the board. Namely, the board members should really work in compliance with their line of work, rather than be members simply to acquire social and financial benefits. Otherwise, the board will merely become an accomplice in the corrupt education pattern and, instead of making a contribution to curbing the criminal practices, it will help immorality and the illegal enrichment of the sides involved in corruption flourish.

Furthermore, the board should have its own website on which it will regularly post public announcements and its periodic reports. Without transparency, additional corruption and biased reporting to the academic community and the wider public may emerge for the purpose of withholding information and protecting the relevant HEI or certain individuals.

Through the proper enactment of the mechanisms stipulated under the regulations and rulebooks for good-quality HE, this body may contribute greatly to suppressing corruption in tertiary education.

Promoting Self-Evaluation

Under the Law on Higher Education, every public institute is obliged to evaluate periodically the performance of its separate units. According to UKIM's public reports, it is obvious that the university recapitulates the statistical

data and the undertaken activities in its reports, without providing an analytical approach to the university and its units. We have already discussed this issue in the part entitled Corruption in Macedonian Higher Education.

In terms of the subject-matter of this study, it is believed that internal evaluation could affect significantly the solution of the problem with higher education corruption because it underlines publicly and transparently this problem and puts the fight against this phenomenon out on the streets.

The aforementioned indicates that UKIM should invest more in identifying the university problems, as well as to include comprehensive information on the area where higher education corruption appears most frequently (for example, issuing a report on the publishing activities for the purpose of following the trends, the number of registered case of bribery or coercion by the academic staff, and the like). Also, it needs to heed the composition of the commission entrusted with preparing the internal evaluation. For example, over the past few years, among the other members, the commission has comprised students, representatives of the UKIM Students Parliament, who lack the mandate and the legitimacy to be students representatives. This is rather problematic because it makes questionable the views included in the reports, that is, it makes it debatable whether the self-evaluation reports include only the positions that arise from and protect a small group of university students. What is even more, a student who is currently under criminal investigation for forging the signatures of Skopje Faculty of Law students to be elected chairman of the Students Parliament of the relevant faculty is currently one of the commission members¹⁷².

Conducting Quarterly Studies of University Corruption

One of the most important segments of detecting higher education corruption is the constant monitoring of the situation on the ground. This is why the university/faculty leadership needs to consult the students, as they are the users of the services provided by these institutions. UKIM should distribute anonymous questionnaires among the students to find out whether a professor has made them resort to criminal practices during a semester. This can bring to light the unethical behavior of a certain professor whom the students fear to report to the authorities. This can also help the students become familiar with this phenomenon and realize what practices are regarded as corrupt. The systematic reviews of the situation on the ground could also contribute

¹⁷² Sanja Jovanovikj Damjanovska, "Students' Foul Plays", *Telma* (2015)

to UKIM addressing this problem more seriously, as well as promoting its policies.

Monitoring Work of Students Representative Bodies

The students representative organizations at UKIM, the UKIM Students Parliament and the Students Parliaments of the respective faculties, are funded from the university budget. This is achieved through the IIKSA fee, which is mandatory for all the students and whose payment is a requirement for their enrollment. According to the Rulebook on Distributing Funds for Informative, IT, Cultural, Sports and Other Activities at UKIM, the UKIM Students Parliament receives 20% of the overall funds every year. However, none of the UKIM's legal acts envisions transparency in the financial reports of the Students Parliaments. So, it is unknown how the SPUKM spends these funds, which raises doubt about whether this organization is working legally. Also, the SPUKM thus violates the Law on Associations and Foundations, which stipulates transparency of the financial and legal documents of the civic associations.

Furthermore, over the past few years, the SPUKM has made vague decisions and has included students in its ranks illegally (contrary to the UKIM and SPUKM legal acts). We believe that UKIM should introduce mechanisms to monitor the activities of the students representative bodies because the lack of transparency and the secrecy of the SPUKM raises doubt of corrupt practices in the academic community, as well as of potential bargaining with the votes of the students' representatives in the HEIs managerial boards.

Raising Awareness Among Students, Academic Staff, Increasing Transparency of Higher Education Institutions, Other Higher Education Stakeholders

Issuing Rulebooks on Disciplinary Responsibility

While browsing the websites of the UKIM faculties, we have noticed that only a small number of these contain disciplinary rulebooks, that is, documents that explain in detail the disciplinary proceedings, the grounds to launch the same and the penalties for the students who violate some of the provisions stipulated under the rulebook and the other UKIM acts that refer to their indecent conduct during their university studies. Also, these rulebooks are rarely placed on the bulletin boards of the faculties. This prevents students from becoming familiar with the unpermitted phenomena at the respective faculties and from recognizing the corrupt practices taking place around them.

Therefore, the UKIM faculties should post these important acts on their websites and raise awareness of them through direct contact with the students.

Issuing Legal and financial Documents of University and Separate Faculties

The transparency of the institutions is one of the key requirements for fighting corruption. This is why it is of great interest for the higher education institutions to issue the data about their financial performance and the regulations on their relations. With the issuing of its legal documents, UKIM would help inform the higher education stakeholders, especially the students, of how this institution functions, the rights and obligations of the members of the academic community, the required procedures and the ECTS. The information on the legal arrangement of the university may reduce corruption in terms of preventing the conditioning of the subordinates, the illegal payment of fees and the participation in unlawful procedures.

UKIM and the faculties should issue not only the rulebooks and rules of procedures that refer to their internal relations, but also the reports and minutes from the meetings of the higher education bodies. Thus, the students could have a greater insight into the processes at their respective faculties and react when they notice disputable practices, as well as acquire direct information

on the way in which the university and the student representatives advocate certain views.

As for the financial documents, UKIM and the faculties rarely issue their final accounts, the audit reports and the annual financial plans. The issuing of these documents will enable the anti-corruption institutions to monitor the activities of the higher education institution and detect in time any irregularity in the work of the separate units or the university in general.

Transparent Price Books at Every Higher Education Institution

One of the problems that the UKIM students regularly point to is the absence of public rulebooks on the faculty expenses. As a reminder, there is no standardized price book at UKIM. So, each faculty determines the price of its services, such as issuing confirmation to full-time students, enrollment and registration of a semester, issuing an academic transcript, the price for failing a year or suspending studies, the issuing of graduation degrees and the like. As these price books are not public, there is the risk of arbitrary charging for certain services. Unless the students are informed about the actual price for certain services, they may pay more or they may be charged for a free-of-charge service.

Also, the issuing of the price books would contribute to clarifying the procedures applied at the higher education institutions.

After making the faculty price books public, a system should be introduced that will register the payments and the services that the students ask for in order to avoid the paid fees ending up with the employee who did the favor, rather than with the faculty financial coordinators.

Promotion of Code of Ethics

UKIM, the student organizations and the student activists should start working on popularizing the UKIM Code of Ethics because it contains provisions that strictly ban corruption and elaborates on the corrupt practices in higher education. So, UKIM should provide access to the code, not only through its website, but also by distributing it to the students during their enrollment. Also, the university, the faculties and the student organizations should inform the students of the existence and the contents

of this document at public debates, workshops and through the student and other media outlets.

Organizing Anti-Corruption Campaigns at University Campus

Apart from the promotion of the UKIM Code of Ethics, the Ministry of Internal Affairs, the Anti-Corruption Commission, the State Education Inspectorate, the university, the faculties, the Student Ombudsman, the student organizations and the student activists should constantly organize campaigns to inform the students of how to recognize and foil corrupt practices. This is of great importance because students are frequently familiar with the term corruption and they recognize one form of corruption, but not the numerous corrupt practices taking place in higher education. The anti-corruption campaigns could comprise a number of activities, such as putting placards with information on corruption and where to report it on visible places at the faculties, making TV and radio commercials, holding public tribunes, conducting guerilla operations and the like.

These activities may also be productive in terms of the students getting to know the institution representatives working in this area and acquiring mutual trust, which may eventually lead to the students' greater engagement in solving the problem of corruption in education.

Promoting Successfully Solved Cases

The promotion of the positive examples of dealing with corruption may encourage the students who are having second thoughts or who are afraid of reporting corruption. This move will have a psychological impact on the other victims of dishonest behavior at the university and will show them that there is a solution to their problem and that they will not suffer negative repercussions at the university if they report corruption. This task should be entrusted to the State Education Inspectorate, the Student Ombudsman, the Dean's Offices, the Ministry of Internal Affairs, the SCPC or the anti-corruption bodies at the universities that register such cases and are informed of the various forms of higher education corruption.

Beware that, when disclosing the successfully solved cases, the identity of the perpetrator and the person who reported corruption should be protected in order to keep their privacy.

Establishing Practice of Informing New Students of Harmful Effects of Corruption and protection Mechanisms During Enrollment

Although it is a practice at every prominent university for the students to attend the mandatory introductory sessions when beginning their formal studies, this is not the case at UKIM. These are actually lectures aimed at acquainting the students with the learning environment, the internal faculty relations, the students' rights and obligations at the faculty, their accommodation, cultural activities and the like. Among other things, this is an excellent opportunity to tell the students what is prohibited at the faculty and how to protect themselves against possible corrupt, unethical, discriminatory and other unwanted practices. The introductory sessions at the beginning of the studies would provide the students with the protection mechanisms and would encourage them to react if they register immoral conduct throughout their studies.

The mandatory classes should also contain lessons on the students' rights, the student organizations, the legal documents of the university, the disciplinary measures, the faculty and university bodies and the like.

The students should receive a set of the disciplinary rulebook of their respective faculty, the Code of Ethics and a brochure on the manners to protect their rights and the bodies that will help them with this.

This recommendation is aimed at increasing the students' awareness of corruption, which may emerge in the course of their studies.

Making Functional and Popular Telephone Line on Reporting Corruption in Higher Education

The relevant institution should open a special anti-corruption telephone line at UKIM and try to make it popular. The reporting should be anonymous because the students often refrain from reporting corruption because they are afraid of the respective professors or another university employee. Also, apart from the possibility to report corruption, it is advisable that the students and the academic staff should be given legal advice on how to protect themselves from corruption. The relevant institution that will be in charge of this telephone line should establish communication and exchange information with the other bodies, such as the Ministry of Internal Affairs, the Financial Police Office, the SCPC, the State Education Inspectorate and the higher education institutions.

The promotion and the functioning of this telephone line should be the obligation of all the higher education stakeholders in order to raise as much public awareness as possible of this anti-corruption instrument.

Issuing Legal Documents of Student Representative Bodies

The student representative bodies at UKIM, that is, the Student Parliaments, have shared no information with the students and the general public about their activities ever since their establishment.

They have not issued their legal documents, either. Namely, the Student Parliaments at the faculties and at the university have not issued their Statutes, Nomination and Performance Rulebooks and the other legal acts over the past few years.

So, the Student Parliaments violate the Law on Civic Associations and Foundations, which envisions the mandatory issuing of the documents of these bodies. These organizations have not been representing and channeling the students' views on higher education and social issues for some time now. According to a survey conducted among the UKIM students on their views on student organizing and student representative bodies¹⁷³, the students do not regard these bodies as their representatives and they are not even informed that through them they delegate their own representatives at the university and faculty bodies that make student-related decisions. As for this, the student representatives do not inform the students of how they vote or how they represent the students' positions in these bodies, So, at the time when this analysis is being written, the SPUKM still has no website of its own¹⁷⁴, while the only way in which it communicates with the students is via the social media, through which it most often shares entertainment information or reports on sports activities.

¹⁷³ Aleksandra Zhivkovikj, "Surveying UKIM Students' Perception on Student Organizing, Students Representative Bodies", "Friedrich Ebert" Foundation" (2014)

¹⁷⁴ Website <http://www.spukm.org.mk/> accessed in August 2016

Issuing Financial Reports of Student Representative Bodies

As we have mentioned before, the UKIM Student Parliaments are funded, among other things, with the funds received directly from the university¹⁷⁵. These organizations are funded directly from the IIKSA donation, which is obligatory for every student that enrolls at the faculty. The problematic thing here is that these organizations do not issue their financial reports. Not a single document has been issued thus far that could provide an insight into the financial performance of the Students Parliaments at the faculties and at UKIM. This means that the SPUKM is not working transparently and it is not informing the students and the other higher education actors of its activities.

This is a special problem because this may induce irregularities and inadequate use of the funds that are at the disposal of this organization, that is, the UKIM funds.

We advise that the UKIM Statute should stipulate the mandatory issuing of these documents, while university representatives should monitor the enforcement of this provision.

Informing Public of Purpose of Funds Obtained Through Small Fees

The university should inform the students, the professors and the assistant professors of the intended use of the small fees. UKIM should also promote more actively the public calls for funding student and academic projects, the funds for which are received precisely through the IIKSA fee. In this way, public awareness will be increased about the financial work of the university and the faculties and to which areas and activities they contribute financially. This may result in the easier monitoring of the activities of the higher education institutions, as well as increasing the students' feeling of belonging to the faculties, which may result in their greater engagement in the university processes throughout their studies.

Making topical the projects funded by UKIM or a separate faculty may increase interest in enriching the university scientific, scholarly and cultural repository with a bigger number of higher education actors. Greater public

¹⁷⁵ Under the Rulebook on Amendments and Addenda to the Rulebook on the Distribution of the IIKSA Funds at UKIM, the Students Parliaments receive 20% of the overall annual sum that students pay to UKIM during their enrolment at a faculty

promotion will reduce the phenomenon of projects being granted to the same student organizations, professors or assistant professors because the submitted proposals could be monitored and evaluated.

Access to Public Information About Number, Categories of Students Enrolled at a Given Faculty

The information on the number of enrolled students and their division into categories is available only on the website of the State Statistical Office of Republic of Macedonia. The reviewed UKIM and Ministry of Education and Science documents and their websites indicate that these institutions do not provide such information. Certain reports suggest that the Statistical Office and UKIM/MES apply different statistical methods on the number of students enrolled at this higher education institution, so they come up with different numbers, which may cause confusion in terms of the quantitative data¹⁷⁶.

The number of students at every faculty is important for the current funding model because the financial calculations about how much funds a certain faculty will obtain may create a financial gap between larger and smaller universities, that is, result in “rich” and “poor” faculties. As a reminder, the inadequate funding of the HEIs is frequently a reason for corrupt practices in academic circles.

It is important that UKIM should present relevant and correct information in public so that there is information about the number of students at the university and at the respective faculties. This is important because it will enable the relevant monitoring institutions to perform their analyses and evaluate the performance of the higher education institutions more properly. This also refers to the student organizations and the organizations that monitor the situation in higher education.

This information should also be important in the process of evaluating the accreditations of the higher education institutions and their performance.

¹⁷⁶ Andreas Stich, Frank Ziegele, Nikica Mojsoska-Blazevski, “Higher Education Funding in Macedonia”, World Bank (2011)

Training Journalists To Report on Higher Education Corruption

Given the low number of media reports that deal with higher education corruption, as well as the absence of journalists who focus on the topic of education in Macedonia, it is necessary to train a group of media representatives to report on this issue. These journalists would thus get knowledge and an idea about where to look for corrupt practices, how to address this issue and how to obtain credible information. This is essential from two aspects. First of all, the media play a crucial role in informing the public and raising public awareness on certain issues. Second, often it is precisely journalists who reveal large-scale corruption scandals worldwide and it is thanks to their investigative reports that the perpetrators are found. This is why it is important that journalists should be included in the process of monitoring higher education and also be motivated to do this.

Informing Students of Allowed and Prohibited Conduct Before Start of Exam

Although the available disciplinary rulebooks of the UKIM faculties¹⁷⁷ indicate that the exam invigilators should inform the students that the use of mobile telephones and other communication devices is prohibited during exams, they do not stipulate providing information to the students on the other forms of corrupt practices during exams. Therefore, the relevant authorities should inform the students that, apart from mobile telephones, they cannot use any other form of cheating in exams, such as copying from other students or using textbooks and other school material, and they should briefly describe the subsequent disciplinary procedures. This recommendation is aimed at educating the students, rather than as an act of intimidation or influencing the exam results.

Engaging Student Radio and Student Media in Fight Against Corruption

Given that the Student Radio is funded directly from the IIKSA fee, which is paid by the UKIM students, this media outlet should be involved more seriously in curbing the corrupt practices at the university. Without intending to interfere in its editorial policy, it is advisable for the university to cooperate

¹⁷⁷ *Decision To Launch Disciplinary Proceedings Against Faculty of Economics Students at UKIM in Skopje, Decision To Launch Disciplinary Proceedings Against Justinian I' Faculty of Law Students at UKIM in Skopje*

with this media outlet by organizing joint campaigns, radio debates and informative shows.

The university may also encourage the remaining independent student media to initiate, invent and take part in anti-corruption campaigns through the allocation of funds and grants.

This is relevant because of the target group of this media outlet, as well as because the student media outlets can thus become accustomed to being more actively engaged in the socioeconomic issues that are of crucial importance for the UKIM students.

Greater Promotion of University Herald

The University Herald contains important information for the work of this institution, so it should be promoted greatly not only among professors, but also among students. This newspaper can be used to conduct campaigns and raise public awareness in the academic community. The University Bulletin needs to become more popular, too, because it contains comprehensive information on the selection of professors and the granting of MA and PhD degrees. A proper monitoring of this newspaper may detect irregularities during these procedures and react to these.

Other Measures

Improving Cooperation Between University, Institutions Authorized To Fight Higher Education Corruption

UKIM must start cooperating with the bodies that work on fighting corruption in higher education, such as the police, the public prosecutor, the State Commission for Prevention of Corruption, the Ministry of Internal Affairs, the State Education Inspectorate, and the Financial Police Office. This is especially important because the university will have difficulties in preventing immoral conduct independently and without another institution. As we have mentioned at the beginning, the fight against corruption requires persistent, serious and active fight that includes a number of actors. UKIM, along with the other institutions, should enact joint campaigns and organize informative activities in order to reduce corruption in higher education.

Providing Electronic Version of Required Literature, Including Price of School Materials in Total Tuition Fee

One of the modern ways to prevent the corrupt practice of unauthorized sale of textbooks and conditioning students to purchase textbooks in order to receive a higher grade is to provide electronic versions of the textbooks and to include their price in the total tuition fee. Thus, every new student will get an electronic code or a link that will provide access to the literature required for a particular semester. The student would thus avoid contact with his/her professors in terms of procuring textbooks or other school materials. In this way, the students cannot be asked to pay a higher price for textbooks because the actual price would already be included in the tuition fee.

Promoting Anti-Plagiarism System

As mentioned earlier, the existing system on detecting plagiats is based on identifying words and comparing them to the academic studies database. So, the detection of plagiarism is limited only to the Macedonian-language works inserted in the database, while not through a broad comparison with foreign literature. The detection of plagiarism is also related to the repetition of terms, rather than on the basis of copied paragraphs. So, the systems of certain faculties often point to plagiarism because of the use of the same terminology or formula related to a specific study program, but the academic study does not necessary have to be a copy.

This is why the anti-plagiarism system needs to be restructured and upgraded with another detection approach, that is, compare the copied paragraphs that are not quoted and draw a parallel with foreign literature, rather than merely with the academic work included in the system.

Once plagiarism is detected, consultations should be held with a specific body because allowing a professor to exercise the discretionary right of making their final decision may incite another form of corruption, that is, bribery.

Including Subjects That Deal With This Matter, Using Students' Capacities To Detect Corrupt Practices in HEIs

Apart from the mandatory introductory lectures to the students, in which they would be informed of the regulations of their respective faculty and university, it is advisable to introduce the topic of prevention from corruption in

the curriculum of certain faculties. The HEIs should also motivate and engage the students to take part in the work of the institutions to jointly promote both educational and social phenomena. For example, the Faculty of Law students could discuss the laws and bylaws, the journalism students could learn how to report on this matter, while the Faculty of Economics students could train about how to make economic analyses about the impact of corruption on certain areas. The university may make regular research with the social sciences students to monitor the situation on the ground, while the technical sciences students could work on software that will detect electronic corruption (cheating in exams, plagiarism, changes on the enrollment list or the list of selected boarding house residents and so forth).

Teaching Students To Quote

The introduction of higher and stricter penalties, the recognition of the various forms of corruption in legal documents and informing the academic community members of corruption in education are the key steps that need to be taken in the fight against unethical conduct in higher education. Yet, apart from these, the students should receive training to obtain skills and knowledge to prevent certain corrupt practices. For example, studies may be introduced that will teach students how to quote and why it is important to obey authors' works, which may contribute significantly to reducing the extent of plagiarism at the faculties.

Furthermore, these skills should be advanced even among high-school students so that they become aware of this as early as possible.

Digitizing Administrative Procedures

Including technology in the education process may impact significantly the reduction of HE corruption. So, the use of appropriate software may prevent a number of immoral and unethical phenomena. For example, the digitizing of all the administrative procedures may reduce significantly the problem of losing documents, double payment for administrative services, the faculty personnel taking bribes and the like. Such processes could also facilitate the monitoring of the studies both on the faculties' and on the students' behalf. Such systems could ease significantly the monitoring of the general faculty trends in terms of passing exams, students' disenrollment, the process of obtaining documents, the reasons for this and the like.

However, during the introduction of this measure, mechanisms need to be put in place to prevent corruption among the software managers.

Strengthening Student Organizations' Capacity To Fight Corruption

Apart from educating the students, one of the key factors in the academic community are the student organizations. In UKIM, most of the students organize themselves according to the study program in which they have been included. Throughout the years, there have rarely existed organizations that unite the students of different faculties to work together on general higher education issues¹⁷⁸. Part of the UKIM faculties has constant formal support of their respective student organizations, but some do not cooperate with them at all. The HEIs should view the student organizations as active stakeholders in the academic community that may impact the spheres that are of importance for the students through joint cooperation and that are aimed at exercising and protecting their rights through their studies.

This is essential from few aspects. First of all, the students are the largest group of the academic community, so there is a great risk of them experiencing corruption. According to surveys, they do not always dare report violations of their rights, let alone corruption, to the relevant authorities for fear of retaliation. In these cases, the student organizations can encourage and motivate their colleagues to report such cases to them or to the student ombudsman. They may also provide moral support during disciplinary and even criminal proceedings against a professor or another member of the academic community. On the other hand, the student organizations may help organize educative lectures, campaigns and meetings and thus touch upon a larger number of students than the institution itself. These organizations may also provide additional information about the situation on the ground, timely reports on the new forms of corruption and practical ways to solve the problems arising from corruption.

Professionalizing Cadre Working in IT Office

The UKIM faculties must advocate the upgrading of the qualifications of the IT office employees and the people who are in charge of the ECTS office. This is because these employees have delicate information at their disposal and

¹⁷⁸ Aleksandra Zhivkovikj, Marija Mirchevska, Martin Galevski, Sanja Bozhovikj, Martin Aleksoski, "Analysis of Student Organizing and Participation in Macedonia", Youth Educational Forum (2015)

are therefore potential corruption targets. UKIM also needs to pay attention to the number of employees in these services, as well as introduce systems that guarantee information safety. This is why UKIM should constantly work on strengthening the capacity of these services, as well as preserve the moral and ethical norms of the employees working there.

Conclusion

The Macedonian legislation offers a good legal framework in terms of corruption in higher education. The legal solutions are compatible and there is a logical sequence in the legal provisions. However, there is absence of regulations on some corrupt practices that take place in higher education, especially the new forms of corruption that are related to the modern technologies.

Macedonia lacks a national strategy for dealing with this problem and advanced academic studies on this topic.

At university level, there are no specific legal acts that regulate and prevent corrupt practices and no specific bodies that would deal with improving the current situation. A positive example is the UKIM Code of Ethics. However, it needs to be updated and included in the supreme legal act of the university, as well as promoted actively. The university has no strategic document on solving this problem, either.

At faculty level, the problem with the unpublished disciplinary rulebooks is quite serious, which contributes to the poor knowledge of the impermissible activities in the academic community. Most of the faculties have still not adopted rulebooks on regulating the specific areas where corruption emerges. Just like UKIM, certain faculties have no integration plan or other kinds of documents to tackle this issue in strategic terms. The faculties recognize some forms of corruption in their internal acts and they propose disciplinary measures for these.

Generally speaking, there is an absence of continuous cooperation between the HE stakeholders, the state institutions and the civil sector in terms of taking joint activities to tackle this problem and mostly inefficient measures have been enacted thus far. There is also no developed practice of solving HE corruption cases and the number of trials in this area is still rather small.

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