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''Project Combatting Corruption, Prevention and Reporting''

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A GUIDE TO PREVENTING CORRUPTION IN HIGHER EDUCATION



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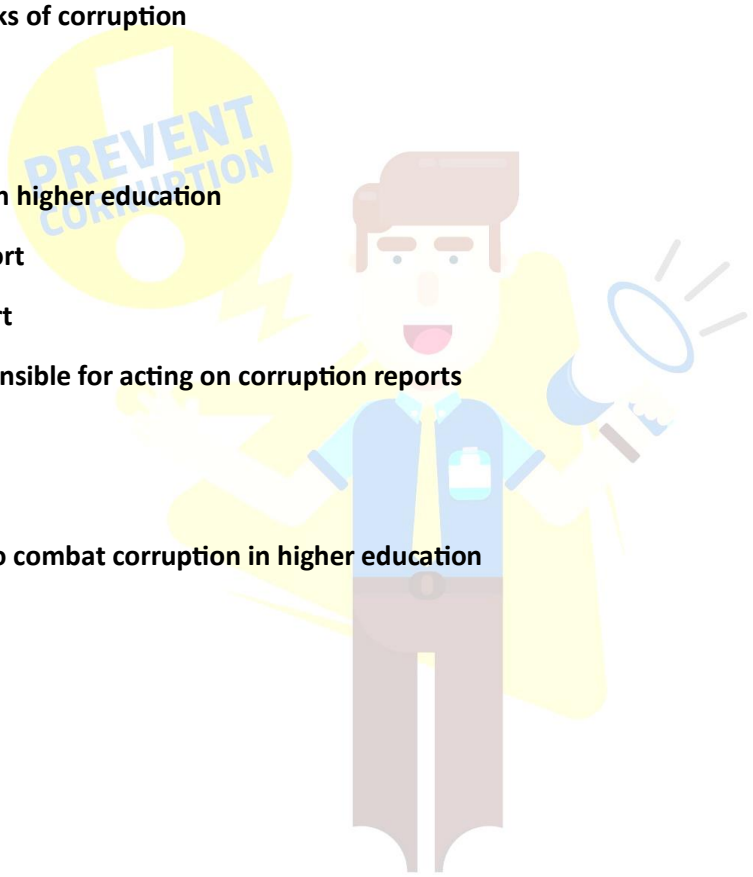
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1. Understanding corruption

The term corruption nowadays is defined in various ways and encompasses several types. However, what is most crucial is that it constitutes a social phenomenon that jeopardizes the normal functioning of a state prioritizing the rule of law, the establishment of legal security, and the proper operation of state and public institutions for the benefit of citizens. Consequently, this imperils the realization of the rights and freedoms of citizens, who, above all, should have confidence in these institutions.

Corruption is defined as the exploitation by officials of an office, public authority, official duty, or position with the aim of gaining personal benefits directly or through an intermediary, either for oneself or on behalf of another. The benefits may encompass various forms, such as economic, political, or influential gains.

An official is any appointed or elected individual, signifying someone performing a specific function or holding a particular public authority. This definition includes not only state authorities, legal entities exercising public authorizations established by law, but also employees in the public sector, spanning all sectors in which public services are provided to citizens or activities of public interest are undertaken, including health, education, labor and social policy, sports, culture, etc.

Considering the above-mentioned sectors, the evident danger and risk of corruption arise, particularly since these are sectors where citizens interact with officials daily for the realization of their basic rights.

The primary categorization of corruption includes:

1. **Passive Corruption:** Involves the intentional actions of an official who, either directly or through an intermediary, seeks or receives any form of benefit for themselves or a third party. This includes accepting the promise of such a benefit, with the purpose of acting, refraining from acting in line with obligations, or exercising competencies contrary to official duties.

2. **Active Corruption:** Encompasses the intentional actions of any individual who, either directly or indirectly through an intermediary, promises or provides a benefit of any kind to an official, either for themselves or a third party. The aim is to induce the official to act, refrain from acting in accordance with their obligations, or to exercise their competencies contrary to their official duties.

2.Common risks of corruption

To effectively combat corruption, the crucial aspect lies in accurately identifying risks of corruption. This involves the timely and precise recognition of activities and actions that pose a potential risk of corruption.

Risks of corruption essentially involve internal and external vulnerabilities or procedures that indicate the potential for corruption within state authorities, public enterprises, and other institutions in the public sector. These risks manifest as conflicts of interest, incompatibility of office, acceptance of gifts and other illicit payments, lobbying, absence of a whistleblower protection system, fraud, inappropriate use of authorizations, illegal financing of political parties and campaigns, trading or illicit use of information, and a lack of transparency in procedures and documents crucial for integrity.

In this context, integrity signifies the legal, independent, impartial, professional, ethical, responsible, and transparent execution of functions, public authority, and official duty. During this process, the preservation of personal reputation for officials, as well as for the authority or institution, is vital. This ensures citizens' trust in the performance of public functions and the operations of public institutions.

Several factors contribute to the creation of opportunities for corruption, including unethical behavior, non-compliance with procedures and standards in fulfilling work obligations and duties, lack of transparency, and succumbing to or exerting influence to gain specific material or intangible benefits.

In addition to these factors, objective elements must be considered, referred to as regulatory risks. These encompass laws and by-laws governing a particular sector and the manner in which rights are exercised and obligations fulfilled. These regulations may contain legal gaps and uncertainties, providing leeway for subjective and discretionary decision-making.

3. Corruption in higher education

Higher education is acquired through study programs at universities and independent higher vocational schools. It plays a crucial role in every society, not only in shaping successful young individuals trained to perform their work tasks professionally and efficiently within their respective fields but also in positioning those who complete this type of education as the primary drivers of scientific research activity. Scientific research serves as the foundation for the economic, social, and political development of a country.

In higher education, similar to other social activities, there are daily risks of corruption of various types, including:

- Nepotism in the selection of teaching and teaching-scientific professions.
- Political influence and partisanship among staff engaged in higher education.
- Participation of the academic community in compensation commissions.
- Influence and nepotism in procedures for allocating places in student dormitories.
- Unequal distribution of student scholarships.

- Conditioning students by requiring the purchase of books for successful exam completion.
- Students purchasing exam questions.
- Engaging in plagiarism while writing papers;
- cheating on exams, etc.

In certain cases, there are also activities or actions that we do not always consider as corrupt, and which manifest as unethical behavior, influencing to obtain intangible benefits, giving or receiving small gifts in exchange for a grade, etc. However, despite their seemingly "small" significance, these represent corrupt actions impacting the objective realization of the rights and obligations of the entire academic community, as well as other employees in higher education.

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Who can report corruption?

Activities or actions for which there is reasonable suspicion or knowledge that a criminal, unethical, or other illegal or impermissible treatment has occurred, is ongoing, or is likely to occur, along with causing harm or threatening public interests (in this case, in higher education institutions), can be reported by:

- Every member of the academic community (individuals in teaching-scientific, scientific, teaching, teaching-vocational, and associate positions, and **students**)
- Administrative staff employed in the institution
- Technicians employed by the institution
- A person who, on any basis, is or was hired to perform work at the institution
- A person who, on any basis, is or was in a business relationship or other cooperative relationship with the institution

Also, to protect the rights of students at each university in accordance with the Law on Higher Education, a student ombudsman is elected from among the full-time students of the university. The election is carried out by the Senate of the university with a majority of votes, based on the proposal of the University Student Assembly through a published competition.

At the faculties, a deputy student ombudsman is elected, chosen by the faculty student assembly from among the full-time students, based on a published competition.

The significance of the student ombudsman at the university and the deputy student ombudsman at the faculties lies in their competence to act on submissions from students or on their own initiative if they observe a violation of a student's rights by the university authorities or another member of the academic community.

Upon the indications of the student ombudsman, the university authorities are obliged to act, and upon the indications of the deputy student ombudsman, the faculty authorities are obliged to act.

Where to report corruption?

Corruption can be reported through **internal** or **external reporting**.

Internal reporting is conducted within the institution. In the context of higher education institutions, there is a **designated individual authorized to receive corruption reports**.

According to the Law on Higher Education, universities appoint an authorized person for handling corruption reports, selected by the University Senate **from among full-time professors.**

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External reporting is done to:

- Ministry of Internal Affairs
- The public prosecutor's office (local authority)
- The State Commission for the Prevention of Corruption
- The Ombudsman of the Republic of North Macedonia
- or other competent institutions.

External reporting is pursued when the report is directly or indirectly targeted against a managerial figure in the institution. This occurs when, following internal reporting, the reporting party does not receive information regarding measures taken within 15 days of submitting the report, or if no measures are taken or the reporting party (indicator) is dissatisfied with the measures. Additionally, external reporting is warranted if, in the case of an internal reporting, there would be detrimental consequences for the person submitting the report or for a person closely associated with them.

How is corruption reported to the person authorized to receive corruption reports at the university?

Corruption reports can be submitted to the authorized person in two ways:

- Orally, recorded on the record
- In writing.

What are the responsibilities of the designated individual for receiving corruption reports?

The individual authorized to receive corruption reports at the university must:

- Manage the report following the established procedures (to be adopted by the University Senate).
- To safeguard the reporting party's personal data, i.e., the information by which the reporting party's identity can be determined (when they prefer to remain anonymous) or when reporting confidentially, in accordance with the regulations for personal data protection.

- Inform the reporting party (if known) about the actions taken following the report and the measures implemented within 15 days from the receipt of the report.

Is the individual authorized to receive corruption reports at the university held accountable for their actions?

Yes, they are obligated to submit a biannual work report to the University Senate.

4. Strategies to combat corruption in higher education

In higher education institutions, recognized as institutions performing activities of public interest according to the Law on the Prevention of Corruption and Conflict of Interest and the Law on the Protection of Whistleblowers, preventive measures are established through the adoption of acts or programs for the prevention of corruption. These acts delineate the measures and procedures aimed at averting corruption within the universities.

In the ongoing fight against corruption, including in higher education, the overarching objective is preventive action. This entails devising mechanisms to preclude the emergence of corruption. Considering the risks associated with corruption, the following measures are considered contributory to prevention:

- Digitization of processes and procedures in higher education wherever feasible, minimizing the subjective factor (utilizing electronic libraries, electronic applications for college enrollment, annual registration, exam registration, conducting exams where applicable and appropriate, application and selection for the distribution of student scholarships, accommodation in student dormitories, and implementing public procurement, etc.).
- Establishment of clear procedures and standards for the entire academic community, as well as other employees in higher education, with monitoring mechanisms to ensure their implementation.
- Conducting training sessions for the academic community and all higher education employees to enhance awareness of the fight against corruption and its prevention.
- Increased involvement of student assemblies and student ombudsmen in informing students about their rights and ways to report corruption.
- Enhanced transparency in the operations of higher education institutions, with a specific focus on greater transparency and promotion of the work of authorized individuals responsible for receiving corruption reports at universities.
- Adoption of the Code of Ethics by universities and the implementation of control mechanisms to ensure compliance.
- Strengthening the integrity of university employees.