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НАПРЯМКИ РЕФОРМУВАННЯ НОРМАТИВНОГО РЕГУЛЮВАННЯ АКАДЕМІЧНОЇ ДОБРОЧЕСНОСТІ В УКРАЇНІ

Анотація. Академічна доброчесність є найважливішою вимогою до наукових досліджень. Втім правове регулювання відносин, пов'язаних із забезпеченням академічної доброчесності у науковій та освітній діяльності, є фрагментарним та не містить дієвих механізмів впливу на порушника академічної доброчесності. Це зумовлює необхідність доктринального дослідження категорії «академічний плагіат» та напрацювання напрямків реформування чинного законодавства в цій сфері. Тому метою цієї публікації є аналіз нормативного врегулювання академічної доброчесності як явища, поняття академічного плагіату, його відмінності від плагіату в контексті дотримання авторських прав, визначення кола суб'єктів, відповідальних за встановлення фактів порушень академічної доброчесності та їх повноважень у сфері реагування на відповідні порушення, процедури притягнення до відповідальності у випадку порушення академічної доброчесності. У статті на підставі як загальних (історичного, порівняльного, логічного і системного), так і спеціальних (структурно-функціонального, формально-юридичного, соціологічного, статистичного тощо) методів аналізуються перспективи нормативного врегулювання порівняно нового для України поняття «академічний плагіат», а також норми законодавства, що стосуються встановлення поняття академічної доброчесності, видів порушень академічної доброчесності, процедури розгляду питань про імовірні порушення академічної доброчесності, видів відповідальності за порушення академічної доброчесності та органи, що мають право їх застосовувати, перевіряється їх відповідність міжнародним стандартам. Аналізується практика роботи Національного агентства із забезпечення якості вищої освіти України як з питань розгляду скарг про порушення академічної доброчесності, так і в межах акредитації освітніх програм. Звертається увага на протиріччя діючих правових норм в законодавстві України у сфері академічної доброчесності. Формулюються пропозиції до діючого законодавства з метою оптимізації правового регулювання проблематики дотримання академічної доброчесності. Висловлюється авторська позиція про необхідність акумулювання правового регулювання академічної доброчесності в межах одного закону «Про академічну доброчесність» з метою визначення закладів вищої освіти та наукових установ головним суб'єктом забезпечення дотримання принципів академічної доброчесності, а Національне агентство із забезпечення якості вищої освіти – переважно апеляційною інстанцією стосовно рішень закладів вищої освіти з питань порушень академічної доброчесності; корегування переліку порушень академічної доброчесності та конкретизація процедури їх встановлення та стимулювання закладів вищої освіти до реального а не формального дотримання принципів академічної доброчесності

Ключові слова: академічна доброчесність, порушення академічної доброчесності, академічний плагіат, плагіат, відповідальність за порушення академічної доброчесності

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AREAS OF REFORMING THE STATUTORY REGULATION OF ACADEMIC INTEGRITY IN UKRAINE

Abstract. *Academic integrity is the most important requirement for scientific research. However, the legal regulation of relations ensuring the academic integrity in scientific and educational activities is fragmented and does not contain effective mechanisms for influencing the violator of academic integrity. This necessitates a doctrinal study of the category “academic plagiarism” and the development of areas for reforming the current legislation in this field. Therefore, the purpose of this study is to analyse the statutory regulation of academic integrity as a phenomenon, the concept of academic plagiarism, its differences from plagiarism in the context of copyright compliance, to identify the scope of subjects responsible for establishing the facts of violations of academic integrity and their powers in the field of responding to corresponding violations, procedures for bringing to justice in case of violation of academic integrity. The present study, based both on general (historical, comparative, logical, and system) and special (structural-functional, formal legal, sociological, statistical, etc.) methods analyses the prospects of statutory regulation of the relatively new concept in Ukraine, which is academic plagiarism, including the legislative norms concerning the establishment of the concept of academic integrity, types of violations of academic integrity, procedures for considering issues of possible violations of academic integrity, types of responsibility for violations of academic integrity and bodies that have the right to apply them, verifies their compliance with international standards. The paper analyses the practice of the National Agency for Quality Assurance of Higher Education of Ukraine both on the consideration of complaints about violations of academic integrity, and within the framework of accreditation of educational programmes. Attention is drawn to the contradictions of current legal provisions in the legislation of Ukraine in the field of academic integrity. Proposals to the current legislation are formulated to optimise the legal regulation of the issue of compliance with academic integrity. The authors express their opinion on the necessity of accumulating legal regulation of academic integrity within the framework of a single law “On Academic Integrity” to define higher education institutions and scientific institutions as the main subject of ensuring compliance with the principles of academic integrity, and the National Agency for Quality Assurance of Higher Education – mainly by the appellate instance regarding decisions of higher education institutions on violations of academic integrity; adjusting the list of violations of academic integrity and specifying the procedure for their establishment and stimulating higher education institutions to real and not formal compliance with the principles of academic integrity*

Keywords: *academic integrity, violation of academic integrity, academic plagiarism, plagiarism, liability for academic dishonesty*

INTRODUCTION

Nowadays, compliance with the principles of academic integrity is considered as one of the most important requirements for the content of scientific research. Cases of violations of the principles of academic integrity are vividly discussed in the scientific and educational environment, and most frequently – in social networks. But in the professional discussion of these problems, it is noted that the regulatory framework governing the rights and obligations, procedures and powers of all subjects participating in legal relations to establish the presence or absence of violations of academic integrity, within a particular case, is rather imperfect. Most

importantly, attention is drawn to the fragmented legal regulation of relations ensuring academic integrity in scientific and educational activities, the “dispersion” of relevant legal provisions for various regulations, the presence of numerous gaps, the lack of effective mechanisms for influencing violators of academic integrity. An illustrative example is the question of a subject authorised to establish the presence or absence of a violation of academic integrity. Thus, if this refers to the educational process participants, the legislation provides appropriate opportunities for educational institutions, in particular, to create bodies to consider issues of compliance with academic integrity, establish appropriate procedures and penalties for such violations. But there are almost no examples of practical implementation of these opportunities. Only a few educational institutions have created full-fledged systems for ensuring academic integrity, capable of effectively responding to its violations, which would be confirmed by the practice of their work.

Until the adoption of the current Law of Ukraine “On Higher Education” [1], these functions were assigned to the Ministry of Education and Science of Ukraine, and nowadays these powers should be transferred to the National Agency for Quality Assurance of Higher Education. At the same time, the final transfer of powers has not yet taken place, as a result of which the Ministry of Education and Science of Ukraine is no longer considering the issue of establishing the facts of violation of academic integrity (in the form of academic plagiarism in scientific papers, as a result of which a scientific degree was awarded), and the National Agency for Quality Assurance of Higher Education was forced to suspend consideration of these issues, since numerous unresolved issues (mainly of procedural nature) led to an active appeal in court to almost every decision that was made by the Agency in connection with the revealed facts of violation of academic integrity. It should also be considered that the judicial practice in this category of cases is inconsistent and ambiguous. These objectively existing factors create a rather tense situation in the scientific and educational environment – information about the facts of academic plagiarism is actively distributed in social networks, tables comparing fragments of various papers are placed, etc. The public develops a perception of impunity for such obvious violations. A particularly acute reaction is observed in cases where the facts of academic dishonesty are revealed in the scientific papers of officials and other public figures. Thus, when it comes to the need to respond to possible violations of academic integrity in the results of scientific studies, the legislation of Ukraine impresses with its legal surrealism. It identifies subjects who are required to respond to violations of academic integrity, but each of them lacks the completeness of legal structures for the exercise of their powers.

Thus, there is a rather contradictory situation: the legislation defines subjects that are required to respond to the facts of violation of academic integrity, but in practice there are no proper legal structures and mechanisms that would provide these subjects with the opportunity to effectively exercise their powers. The mandatory procedures that must be followed when reviewing information about possible violations of academic integrity are determined, but the procedures themselves are not approved. Strict types of liability for violations of academic integrity are established, but there is almost no practice of their application. Such a situation implicitly indicates the necessity of amending the Ukrainian legislation on compliance with the principles of academic integrity and responsibility for its violation. In the process of solving this important issue, it is advisable to consider the practices of foreign countries and independent specialised organisations. Thus, the International Centre for Academic Integrity (ICAI) uses a positive approach in determining academic integrity and relies on values that must be respected: honesty, trust, justice, respect, responsibility, and courage [2]. Notably, this is a fairly common approach that does not establish liability for violations, but invites the public to join the recognised values. This factors in the historically formed university autonomy, which lies, *inter alia*, in the right of educational institutions to independently resolve all issues relating to the violation of academic integrity by educational applicants or teachers, including the possibility of bringing to all types of academic responsibility. Along with the definition of the very concept of academic integrity, foreign researchers pay great attention to certain types of violations of academic integrity, as well as mechanisms for their detection and proof, for example, various forms of plagiarism [3; 4].

Of interest are also the results of a comparative legal analysis of the statutory regulation of academic integrity in general, or the causes of violation of academic integrity, types of misdemeanors in this area in different countries [5, p. 84-96]. At the same time, along with differences in the regulation of such phenomena, absolutely similar problems can also be noted in the educational institutions and scientific institutions in other countries. Violation of academic integrity in the form of academic plagiarism or in other forms is a serious issue for many educational institutions, scientific institutions, and publishing houses because they can lead or actually lead to the fact that students, due to committed violations, have the opportunity to get credits without achieving educational goals; researchers, using academic plagiarism, can increase the number of their publications and the citation index and get research funding, not having proper qualifications in reality [6, p. 13; 7]. It is noted that violations of academic integrity have a devastating impact not only on education and

science, but also on economic, social, and political processes in general [8]. Attention is also drawn to the most pressing challenges in the field of academic integrity – the transition to distance learning in the context of a pandemic [9] or the importance of web citation [10, p. 1046; 11]. In Ukraine, in most cases, the problem of academic integrity is analysed in the context of the organisation of the educational process and the quality of higher education [12]. Conventionally, the problem of compliance with the principles of academic integrity is considered in the context of intellectual property, copyright or related rights [13; 14]. There are also quite in-depth scientific studies of the concept and types of plagiarism [15] (which does not always coincide with the specifics of academic plagiarism), elements of academic integrity [16] and ways to combat academic plagiarism [17]. At the same time, sufficient attention is not paid to the specifics and significant shortcomings of the legal regulation of liability for violations of academic integrity. Therefore, the purpose of this study is to analyse the statutory regulation of academic integrity as a phenomenon, the concept of academic plagiarism, its differences from plagiarism in the context of copyright compliance, to identify the scope of subjects responsible for establishing the facts of violations of academic integrity and their powers in the field of responding to corresponding violations, procedures for bringing to justice in case of violation of academic integrity.

1. MATERIALS AND METHODS

The methodological basis of the present study includes a set of general scientific and special methods and techniques of scientific research. All methods were applied in an interconnected way, which ultimately contributed to ensuring the comprehensiveness, completeness, and objectivity of scientific research, correctness and consistency of conclusions. The methodological framework of the study includes universal methods of dialectics used at all stages of covering the essence of academic integrity, the history of its development in European countries, and the prospects for reform in Ukraine. In the course of the study, its authors employed general scientific methods as historical, comparative, logical, and systematic methods. Historical allowed studying the features of statutory regulation of the state's attitude towards such a phenomenon as academic integrity in its various manifestations, the gradual identification of two main aspects of academic integrity: ethical and legal, the development of rules for observing academic integrity, determining responsibility for its violation and mandatory elements of the decision-making procedure. Using the comparative method, the study compares the provisions of the current legislation of Ukraine, European countries, and international norms, considers the legal regulation of academic integrity and its reform in foreign countries. The system method helped justify the independence of the principles of academic integrity, made it possible to conceptually form and substantiate the theoretical foundations and develop a terminology necessary for studying the problems of regulating academic integrity.

Special methods were also applied at certain stages of the study, namely the structural-functional method, which makes provision for the consideration of any phenomenon as systemic with a mandatory analysis of the functions of interacting elements, was used to determine the mandatory components of academic integrity, the list of principles of academic integrity, the mandatory components of the procedure for considering the presence or absence of a violation of academic responsibility. The formal legal method was also used to analyse the legal norms of corresponding regulations that define the concept of academic integrity, provide a list of its principles, determine the types of violations of academic integrity and types of punishments for violations of academic integrity, a list of subjects competent to decide on the presence or absence of violations of academic integrity and the measure of punishment in case of confirmation of violations, the rights and obligations of all participants in the process of considering violations of academic integrity. The methods of sociological, statistical, and generalisation were also used to analyse the standpoints of students, teachers, and representatives of the administration of higher educational institutions regarding the effectiveness of legislation in the field of compliance with the principles of academic integrity during training and scientific activities, real opportunities to protect their violated rights. The specifics of the area and subject of this study also necessitated the use of the methods of induction and deduction analysis, synthesis, comparison, analogy, which became vital tools for selecting factual material.

The regulatory framework of this study includes the standards and recommendations for quality assurance in the European Higher Education Space (ESG 2015), international legal acts ratified by the Verkhovna Rada of Ukraine, laws and other regulations of Ukraine in the field of education and science, the legislation of foreign countries that have joined the European higher education space and have success in observing the principles of academic integrity. The main stages of the study of the state of compliance with the principles of academic integrity in Ukraine and the areas of reforming the statutory regulation of this phenomenon included: 1) the hypothesis that regardless of the level of development, the size of the territory and other indicators, the education and science system of most states of the world have approximately the same new challenges in the field of compliance with academic integrity, which creates prerequisites for consolidating

efforts to overcome them; 2) the analysis of the state of legal regulation in Ukraine of academic integrity as a mandatory space of educational and scientific activity, the history of the development of the domestic regulatory framework in the corresponding area, the shortcomings of current legislation; 3) the study of doctrinal approaches and practices of foreign countries on the scope of legal regulation of academic integrity issues; 4) formulation of the conclusion that the current legislation of Ukraine does not meet all the requirements for regulating legal relations in the field of academic integrity, changing individual parts of a considerable number of laws will not be the solution to the problem, so the most effective solution to the problem is the adoption of a separate Law of Ukraine “On Academic Integrity”.

2. RESULTS AND DISCUSSION

At present, the issue of developing the foundations of academic integrity is becoming increasingly pressing in the scientific and educational space of Ukraine. At the same time, the importance of academic integrity has not always been the case, and the recognition of this phenomenon as a problem at the legislative level has occurred relatively recently. Within the framework of the historical analysis of the development of academic integrity and its impact on the quality of higher education, it can be noted that the legislator first normalised academic integrity as a phenomenon at the legislative level only in 2017. The Law of Ukraine “On Education” of September 5, 2017 [18] defines academic integrity as a set of ethical principles and rules defined by the laws of Ukraine, which should guide participants in the educational process during training, teaching, and conducting scientific (creative) activities to ensure confidence in the results of training and/or scientific (creative) achievements (Part 1, Article 42). Therewith, this does not mean that until 2017, Ukrainian educational institutions were not supervised and were not obliged to adhere to the corresponding ethical principles or legislatively defined rules in the field of training, teaching, scientific activities to ensure confidence in their results. However, all this had a different form of implementation and was not perceived within the framework of a single phenomenon, which is academic integrity. In particular, Article 52 of the Law of Ukraine “On Education” of 1991 [19] obliged all participants of the educational process (pupils, students, cadets, trainees, interns, clinical residents, postgraduates, doctoral students) to comply with legislation, moral and ethical standards. It was noted that persons with high moral qualities can engage in teaching activities (Part 1, Article 54). The duty of pedagogical and scientific-pedagogical workers was to establish respect for the principles of universal morality by setting and personal example: truth, justice, loyalty, patriotism, humanism, kindness, restraint, hard work, moderation, and other virtues; to observe pedagogical ethics, morals, and respect the dignity of a child, pupil, or student (Article 56). Even the responsibility of a higher educational institution in making decisions on the development of academic freedoms, the organisation of scientific research, the educational process, etc. was recognised (within the framework of defining the concept of autonomy of a higher educational institution – Article 46).

However, this law had not yet defined measures of liability for violation of these duties. In fact, the relevant norms were declarative in nature. This was explained by the fact that higher education institutions, applicants for higher education and research and teaching staff were still at the stage of awareness of the category of integrity, ethical and moral principles, which were not always perceived as priority or mandatory. The Law of Ukraine “On Higher Education” of 2002 [1] factually duplicated the provisions of the Law of Ukraine “On Education” of 1991 concerning the duties of teachers and research and teaching staff (Article 51). And the duties of persons studying in higher educational institutions included the necessity of compliance with legislation, moral and ethical norms was not mentioned at all (Article 55). Under such conditions, liability for violation of ethical and moral principles was not stipulated. At the same time, it is impossible to describe the higher education in Ukraine before 2017 as such that was completely unaware of and not characterised by the ethical rules of educational and scientific activities. The legislation of independent Ukraine initially established the requirement to refer to the sources used in scientific papers and the responsibility for “identifying text borrowings without reference to the source in a dissertation, the author of which has already been issued a Doctor or Candidate of Sciences Diploma” in the form of “making a decision to deprive them of their scientific degree” (Paragraph 14 of the procedure for awarding scientific degrees of 2013 [20]; Item 16 of the Order of awarding of scientific degrees and assignment of a scientific rank of the senior researcher [21]; Paragraphs 16, 46 of the Order of awarding of scientific degrees and assignment of scientific ranks of 1997 [22]; Clause 4, Article 2, Articles 18, 56 of the procedure for awarding scientific degrees and conferring academic titles of Ukraine in 1992 [23], etc). In fact, these requirements correspond to the modern definition of “academic plagiarism” and are a type of violation of “academic integrity” in the context of current legislation.

In addition, one should not forget about the requirements of the civil legislation of Ukraine, which have always considered plagiarism as a violation of copyright and established responsibility for such violations, allowing the possibility of extending these rules to scientific and creative activities. However, the evolution of

scientific and educational processes has led to the realisation that the available volume of statutory regulation is clearly insufficient to ensure the proper development of higher education and scientific activities in Ukraine, and the lack of official recognition of academic integrity as a prerequisite for the quality of higher education and scientific activities significantly distorts their purpose in society and in general leads to the loss of advanced positions in this issue on the world stage. Based on the importance of this problem, the Law of Ukraine “On Higher Education” of 2014 [24] introduced the concept of academic plagiarism and a clear and strict responsibility of all subjects involved in its admission was established, while the Law of Ukraine “On Education” of 2017 not only defined the concept of academic integrity, but also made provision for manifestations of its violation, the obligation to comply with the principles of academic integrity for all participants in educational activities and responsibility for its violation. This position of the legislator should be recognised as quite reasonable. The scientific and educational community, the society in general, should be aware that violation of the rules and principles of academic integrity makes it impossible to obtain a high-quality education, regardless of the institution of higher education or scientific institution where the training takes place. Such violations really call into question the results of training and complicate the self-fulfilment of a young specialist with a higher education diploma obtained in an institution where the principles of academic integrity do not apply. That is why an active policy of all participants in the educational process and scientific activities in the field of familiarisation and promotion of the rules of academic integrity is critical. High hopes for the mass dissemination of knowledge and practices of academic integrity in the field of higher education and scientific activities were associated with the creation of the National Agency for Quality Assurance of Higher Education in Ukraine (hereinafter referred to as “the National Agency”). This body was empowered to directly or indirectly take part in shaping practices of respect for academic integrity and responsibility for its violations at all levels:

a) the National Agency is directly obliged by the current Law of Ukraine “On Higher Education” to respond to violations of academic integrity in the form of academic plagiarism, forgery, falsification in the qualification work of an applicant for the degree of Doctor of Philosophy (Clause 6, Article 6; Clause 9, Article 19). This primarily concerns the responsibility of research and teaching staff;

b) regarding the development of principles and practices of academic integrity at the level of higher educational institutions, including applicants for education – the activities of the National Agency are indirect and these factors are verified in the process of accreditation of curricula.

Thus, when accrediting each curriculum, the National Agency tries to establish whether the higher education institution has defined a clear and understandable policy, standards and procedures for observing academic integrity, which all participants in the educational process must consistently adhere to upon implementing the curriculum. A higher education institution should promote academic integrity (primarily through the implementation of this policy in the internal culture of educational quality) and use appropriate technological solutions as tools to counteract violations of academic integrity. Furthermore, the institution of higher education should ensure compliance with academic integrity in the professional activities of scientific supervisors and postgraduates (adjuncts), in particular, take measures to exclude scientific leadership by persons who have committed violations of academic integrity. Notably, in the process of implementing each accreditation, experts of the National Agency are required to hold meetings with students and find out their assessment of both the institution's activities in the field of ensuring academic integrity and in ensuring the quality of education in general. Furthermore, participants in the accreditation process or any other person have the right to apply for protection of their rights to the Ethics Committee of the National Agency. In the process of training experts of the National Agency who carry out accreditation of curricula, special skills and abilities are developed to comply with the procedures and procedure for verifying information on compliance with academic integrity standards within a particular institution of higher education (scientific institution). Thus, to confirm the information received from a higher education institution (scientific institution) that ensuring academic integrity is part of their internal system of ensuring the quality of education, experts should state the presence of at least such elements:

1) the policies, standards, and procedures for observing academic integrity must be pre-defined, clear, and understandable, and take the form of a code of honour or other document in accordance with the decision of the higher education institution. Procedures should include both mechanisms for monitoring compliance with academic integrity (verifying written papers to identify text and other borrowings without correct references, peer review of scientific texts before publication, an anonymous survey of higher education applicants about the presence/absence of violations of academic integrity, etc.), and effective, clear, and transparent procedures for responding to such violations and bringing to academic responsibility;

2) institutional ensuring of compliance with academic integrity implies the presence of a separate structural unit (official) that handles issues of academic integrity, or a clear distribution of relevant functions and powers

among the existing structural divisions (officials) of the higher education institution;

3) availability of appropriate information and technological means used by the institution of higher education to prevent and counteract manifestations of violations of academic integrity;

4) measures to promote academic integrity among applicants for higher education may include, in particular, the introduction of individual educational components dedicated to academic integrity and academic writing skills into the educational programme, the implementation of individual short-term training modules on this topic, etc.;

5) declaring and maintaining a zero-tolerance policy towards any manifestations of violations of academic integrity, which is embodied in the institutional culture and supported by appropriate procedures and institutional practices [25].

The analysis of the practice of the National Agency and the activities of higher education institutions and scientific institutions in the field of compliance of participants in the educational and scientific space with the principles of academic integrity suggests rather disappointing conclusions. Firstly, the contradictions between the provisions of the Laws of Ukraine “On Education” and “On Higher Education”, as well as the practical absence of relevant sub-legislative acts in the field of ensuring the implementation of the requirements of the relevant laws, practically level the results of the work of the National Agency and stop the work of the Ministry of Education and Science of Ukraine regarding compliance with the principles of academic integrity. This is manifested in the fact that the Ministry of Education and Science of Ukraine no longer has the authority, and the National Agency does not yet have the proper legal tools to effectively respond to complaints (appeals, reports) about violations of academic integrity. Basically, this refers to reports about the presence of academic plagiarism in dissertations that have already passed the stage of defence in specialised academic councils. Sometimes this refers to other forms of violations of academic integrity (falsification or forgery in combination with academic plagiarism), again, in already defended dissertation research. It is not uncommon for attention to be drawn to procedural violations in the process of defending dissertations (non-compliance with the requirements for posting texts themselves, reviews of official opponents on the websites of relevant institutions of higher education (scientific institutions), requirements for the procedure for entering the defence, refusal of specialised academic councils to respond to such violations, etc.) in combination with violations in the design of dissertations. Complaints are received that accuse the admission of academic plagiarism in scientific articles that were considered during the defence of scientific achievements or were published after the defence of dissertation research and obtaining an academic degree. There are also accusations of a different nature: bribery (within the meaning of the Law of Ukraine “On Education”), biased assessment, etc.

The Law of Ukraine “on Higher Education” stipulated legal grounds for such appeals. In particular, it is noted that the National Agency forms an Ethics Committee to consider issues of academic plagiarism (performing other powers assigned to it by the National Agency), an appeal committee to consider appeals, applications, and complaints about the activities and decisions of specialised academic councils (Paragraph 9, Article 19). To approve the decisions recommended by these committees, the National Agency is authorised by the Law to monitor the activities of specialised academic councils (Paragraph 9, Part 1, Article 18), cancel the decision of the specialised academic council to award an academic degree in case of detection of academic plagiarism (Paragraph 6, Article 6), etc. Under such conditions, it is quite understandable that participants in educational or scientific activities who have witnessed violations of academic integrity or who have become aware of them, having familiarised themselves with the content of the Law of Ukraine “On Higher Education” and having a desire to contact the appropriate and competent authority to eliminate the identified violations and bring the perpetrators to academic responsibility, approach the National Agency, especially in conditions when the Ministry of Education and Science of Ukraine, in case of receiving appeals on such issues, is forced to answer that the competent authority in matters of academic plagiarism is the National Agency. However, there is no effective procedure for exercising these powers, which must be approved by the Cabinet of Ministers of Ukraine.

For the Ethics Committee of the National Agency to fully consider numerous complaints about academic plagiarism received by the National Agency, the procedure for cancelling the decision of the dissertation council to award an academic degree must be approved. For the full-fledged work of the appeals committee of the National Agency, a new procedure for awarding academic degrees and the procedure for accreditation of specialised academic councils should be developed and approved. To eliminate contradictions between the Laws of Ukraine “On Higher Education” and “On Education” on academic integrity issues, it is necessary to amend the Law of Ukraine “On Education”. The delay in the adoption of these sub-legislative acts leads not only to the fact that the decisions of the Ethics Committee of the National Agency (solely on formal grounds), without any assessment of their content component, are challenged in court, but also to the fact that almost all cases of violation of academic integrity remain without a proper reaction from the state and undermine

confidence in the level of Ukrainian scientific studies. This causes fair criticism amongst the scientific and educational community. These circumstances should not serve as grounds for the refusal of the National Agency to perform its tasks in the field of ensuring the quality of higher education and compliance with high principles of academic integrity. The search for all possible solutions must continue. Thus, the law not only empowers each educational institution, but also obliges them to approve the internal procedure for identifying and establishing violations of academic integrity, internal provisions on types of academic responsibility and apply these documents in practice.

Therefore, the National Agency should cooperate with higher education institutions, apply to them with a proposal to verify particular information about violations of academic integrity. In turn, higher education institutions should inform the National Agency about the results of such inspections, and the latter should consider the information provided when accrediting educational programmes. This solution requires more time, since several subjects are involved: higher education institutions and the National Agency. But the expansion of the subject composition also includes a positive aspect: not only the National Agency, but also higher education institutions take part in this work. Each educational institution or scientific institution should be involved in this process and be responsible for the results of educational activities [26, p. 39; 27, p. 13] and scientific research as an essential component of ensuring the quality of education. It should be borne in mind that the place of education is crucial for the development of a culture of integrity and shapes the future behaviour of a graduate as a person and specialist [28, p. 134].

Secondly, the results of accreditation of curricula by the National Agency indicate, unfortunately, that higher education institutions (scientific institutions) mainly formally approach the problem of compliance with academic integrity. Most higher education institutions and scientific institutions have approved internal rules of academic integrity, procedures for considering relevant issues, and established ethics commissions or other bodies. However, there is virtually no practice of establishing the facts of violation of academic integrity and bringing the perpetrators to academic responsibility. The overwhelming majority of institutions claim that applicants for education, postgraduates, research and teaching staff, and representatives of the administration are informed about the rules of academic integrity, adhere to them in good faith and do not allow violations. In the meantime, the National Agency receives numerous complaints about blatant violations of academic integrity. This situation indicates that there are all signs of tolerance for violations of academic integrity in higher education institutions. Furthermore, it is not uncommon for a National Agency to establish violations of academic integrity on the part of particular researchers within the framework of its activities and transfer such information to higher educational institutions for an appropriate response, but the latter refused to recognise the existence of such violations and bring their research and teaching staff to academic responsibility. They even officially appealed to the National Agency and other bodies with a proposal not to look for violations of academic integrity in the results of scientific activities of their representatives. The analysis of these problems confirms the need to develop and adopt a unified legislative act that would function as a “special law” and define the main requirements and procedures for compliance with the rules of academic integrity, procedures for establishing its violation and bringing to justice. The authors of this paper believe that the Draft Law of Ukraine “On Academic Integrity” should perform the following tasks:

- accumulate legal regulation of all aspects of academic integrity within the framework of a single law;
- identify institutions of higher education (scientific institutions) as the main subject of ensuring compliance with the principles of academic integrity, providing them with additional opportunities to respond to its violation;
- define the National Agency for Quality Assurance of Higher Education as primarily an appellate instance for decisions of higher education institutions on violations of academic integrity;
- identify the types of violations of academic integrity and specify the procedures for their establishment;
- encourage institutions of higher education and scientific institutions to actually, rather than formally, comply with the principles of academic integrity through the introduction of liability for failure to identify violations of academic integrity and counteract these violations.

CONCLUSIONS

As a final conclusion, it can be noted that today in Ukraine an active scientific and educational environment perceives the importance of developing a culture of compliance with the principles of academic integrity in educational processes and scientific activities in the same way as in other developed countries of the world. Despite territorial, social, economic, or any other differences, the main difficulties faced by representatives of the state, higher education institutions, and scientific institutions in combatting violations of academic integrity are almost the same in most countries. This can become an essential argument for combining the efforts of representatives of different countries, namely in the European educational and scientific space, to jointly

develop an action plan for the development of systematic measures to combat any manifestations of academic integrity. Furthermore, there are insufficient real mechanisms for detecting and countering violations of academic integrity in the Ukrainian legal space.

Well-known international principles of academic integrity in the field of higher education and scientific activities are recognised, but mostly not observed. In most cases, this is not connected with conscious, systematic activities that are incompatible with the concept of academic integrity, but most frequently indicates a desire to prevent the disclosure and dissemination of information about violations detected and resolve conflicts “peacefully”. Under such conditions, it is vital and necessary to activate the national policy aimed at stimulating transparency of processes in the field of compliance with academic integrity and responding to its violations, and developing a culture of compliance with academic integrity. An effective scenario for solving a considerable part of the problems of compliance with academic integrity can be the adoption of the Law of Ukraine “On Academic Integrity”, which would ensure not only recognition of the importance of this phenomenon for the future of Ukrainian higher education and its presentation in the European Space, but also clearly define that not only the National Agency, the Ministry of Education and Science of Ukraine, or other state body, but also all higher education institutions and scientific institutions are responsible for the quality of higher education and research results, and, accordingly, for compliance with the principles of academic integrity.

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Suggested Citation: Kuznietsova, N.S., Nazarov, I.V., & Yefimenko, L.V. (2021). Areas of reforming the statutory regulation of academic integrity in Ukraine. *Journal of the National Academy of Legal Sciences of Ukraine*, 28(3), 176-185.

Submitted: 14.05.2021

Revised: 20.07.2021

Accepted: 23.08.2021