

New Management Challenges for Ukraine's Universities: Surviving the 2014 Reform



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Abstract

This article is devoted to the challenges that university education in Ukraine faces, including those that appear due to the adoption of the renewed law «On Higher Education». Systemic changes to higher education in Ukraine were needed for a long time even before the Bologna Declaration process started. They should allow the country and its universities, students and professors to feel integrated in the global system of tertiary education leading to the assurance of the quality of education in accordance with the highest international standards in learning and research. University autonomy and university reputation management are new to Ukraine, and present significant challenges to university administrators. The introduction of reforms brings many institutional changes and will lead not only to the creation of the National Agency for Quality Assurance in Higher Education but also to a reduction in the number of universities in Ukraine.

Keywords: universities, Ukraine, management challenges, autonomy, quality assurance, reforms.

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Introduction

On 27 June 2014 Parliament, the Verkhovna Rada of Ukraine, adopted Bill 1187-2, thereby enacting a new law by the name of «On Higher Education» in Ukraine. This legislation is revolutionary for a variety of reasons — not least because it represents a unique case where a legal act was written not by (or even under the auspices of) politicians, but rather was composed, debated, modified as a result of compromise, finalized, and then lobbied by higher education professionals and students. The law introduces changes to the system of higher education (i.e. to the form and substance of university degrees), to the way quality is assured (i.e. to the role of the Ministry and other government agencies), and to the manner in which universities are managed. Indeed, this final aspect of the enacted reforms — introduction of university autonomy — gained the most press in the years preceding Parliament's historic vote, and in the wake of Maidan (and the anti-authoritarian discourse of the 2014 Revolution of Dignity), few people question the need for decreasing the dependency of Ukraine's universities at the whim of Ministry of Education officials. However, autonomous management requires specific skills which (in the opinion of this author) few university administrators in Ukraine possess. Indeed, the flip-side of increased autonomy is increased responsibility — a condition that dictates a new imperative for institutional survival and prosperity.

The need for reform

When the author of this article first became involved in drafting the various versions of bills entitled «On Higher Education (9 bills were tabled in Parliament between December 2010 and January 2013), the «buzz word» among university administrators and education professionals was «autonomy»². According to

² For concepts of academic freedom and university autonomy see Verbitskaya, L.A. (1996), pp. 289–294. Moreover, as international experience shows on national level autonomy of education system may be viewed in different forms. See Iftene, C. (2014), pp.47-53.

this paradigm, if universities were given more freedom to manage their own finances, more independence with respect to designing and implementing unique academic programs, greater ability to decide whom to hire (including independently, recognizing foreign academic credentials) and how much to pay university lecturers for their teaching and/or research, the quality of higher education in Ukraine would improve. Concomitantly, all (or most) of the ills of the higher education system were traced to the bureaucracy of the Ministry of Education, and the solution, according to higher education professionals, was to be found in greater managerial autonomy for universities.

On the other side of this argument was Dmytro Tabachnyk who, when appointed Education Minister in 2010, proceeded to draft a Bill entitled «On Higher Education» (7486-1) that increased the influence of the Ministry of Education on daily management decisions made in Ukrainian universities. In order to facilitate centralized management¹, Tabachnyk's original bill proposed to reduce the number of higher education institutions operating in Ukraine by setting a lower limit on the number of students attending a «university» (minimum 10,000), an «academy» (minimum 3,000), a «college» (minimum 1,000) etc. This legislative initiative was widely interpreted as a poorly veiled attempt to downgrade universities such as Kyiv-Mohyla Academy and the Ukrainian Catholic University whose academic communities were deemed politically disloyal to the Yanukovich regime, and each of which was small in terms of enrollment levels.²

Today, most in Ukraine would agree that given the size of its population, the country has far too many higher education institutions. However, closing universities through administrative fiat in a post-Maidan reality is politically impossible. The new legislation will likely lead to similar results using «market means», but the very fact that many universities (private and public) will close over the next 5-7 years will nonetheless lead to significant social tensions. The fact that closures will be due to poor institutional management rather than Ministerial decisions may decrease the stress on government officials in Kyiv, but it will not eliminate social turmoil

from the regions. Furthermore, introduction, via the new legislation, of a new system of quality assurance, and radical increase in universities' flexibility in the areas of degree granting, accreditation, and hiring/promotion practices will cause confusion. Tensions are inevitable, and in many cases the reforms will lead to painful changes (including job losses), but the end result (it is hoped!) will be a national system that provides students with greatly improved university education. Long-lasting reforms in higher education started in many countries, but their impact shall be long-lasting as well³.

System Changes

When the Ukrainian Ministry of Education (at the time headed by Stanislav Nikolayenko) signed the Bologna Declaration in 2005, it committed itself to introducing a 3-cycle system of higher education in Ukraine by 2010⁴. With respect to the first two cycles, the system was changed without legislative amendment (i.e. changed in form, but not in substance); the third cycle was not introduced (except for experimental implementation at Kyiv-Mohyla Academy)⁵ until after the new law was adopted.

Formally, European-style Bachelor's and Master's Degrees have been offered in Ukraine for many years. During the 2000's, the legacy of the Soviet-era 5-year system was split, with the first four years made equivalent to a Bachelor's degree, and the final «Specialist» year renamed into a Master's. Although several universities used the Bologna reforms to introduce stand-alone 2-year Master's programs equivalent to the European second cycle of higher education, this was a limited phenomenon with the vast majority of students proceeding almost automatically from the 4th year of Bachelor's studies to their 5th year (formally called a Master's). Indeed, according to the Law «On Higher Education» adopted in 2001, only a Master's Degree constituted a «complete higher education». The Bachelor's degree was, therefore, relegated to having interim status — a fact that was also reflected in the funding system, which saw over 90% of state-funded BA graduates offered state-funded MA-level places, and «cross admission» (enrollment in a Master's program in a specialty area different from one's Bachelor's degree) explicitly forbidden by the Ministry of Education.

Notwithstanding the nominal nature of the systemic reforms instituted during the 2000's under the auspices of the «Bologna Process», a European Credit Transfer System (ECTS) was introduced in

¹ Given the evidence of grand scale corruption uncovered after the 2014 Revolution (see Television interview with First Deputy Minister of Education Inna Sovsun centralization of university management was probably motivated by the need to facilitate graft and the transfer of rents upwards through the regime hierarchy.

² The tabling of Bill 7486-1 and its successor Bill 9655 sparked student protests (see Kampaniya «Proty dehradatsiyi osvity» (2010 — 2013) and official expressions of concern from the Canadian, US, and EU ambassadors who saw this legislative initiative as being aimed at suppressing two higher education institutions that had received significant support from the Ukrainian Diaspora, and had gained international prominence.

³ See Yamada, R. (2001), pp. 277-291; Brunori, P., Peragine, V., Serlenga, L. (2012), pp. 764-777; Suthathip, Y. & Ying, C.N. (2014), pp. 94-105.

⁴ See also Ionel, D. & Nicoleta, V.E. (2013), pp.927-930.

⁵ For more information see www.gradschool.ukma.edu.ua.

2009, and Bologna-compliant diploma supplements (a requirement for mobility within Europe) began to be issued by most universities at the request of students. However, the study load of Ukraine's version of the ECTS was mandated as 36 hours (usually with 12-15 of these being contact hours), compared to 25-30 in EU countries. Program comparability was, therefore, dubious: Ukrainian students spend 20-30% more time in the classroom than their European colleagues, earning the same degrees. On the flip-side, Ukrainian university lecturers also carry a much heavier course load than their EU colleagues, and not surprisingly, their research output suffers.

The essentially superficial changes to the Ukrainian higher education system introduced during the 2000's were accomplished without significant amendments to higher education legislation. However, the fact that ECTS and the terminology associated with the Bologna 3-cycle system had already been introduced into the higher education discourse in Ukraine greatly eased their introduction into legislation when political conditions finally became conducive to reform after the 2014 Revolution of Dignity. The legislation adopted in June 2014 enshrines ECTS in Ukrainian law (Article 1, Section 9), fixes the value of one ECTS credit as equaling 30 hours of study, and one year of full-time study as corresponding to 60 ECTS credits (Article 1, Section 14). Accordingly, a Bachelor's Degree program should consist of 240 credits while a Master's Degree requires acquisition of 90-120 credits (i.e. 1.5 – 2 years of study) for professional MA's, and 120 credits for a research Master's (Article 5). The maximum classroom time allowed for a university instructor has been reduced from over 900 to 600 hours per year (Article 57, Section 2).

The true stumbling block for the new Law «On Higher Education» (and indeed, since all other Bologna requirements could be met without legislative change, the primary reason that a new law was required at all) was the introduction of a Bologna-compliant third cycle: the PhD. Even during the final months preceding the adoption of Bill 1187-2, heated debate continued as to the «kandydat nauk» title: the powerful Presidium of the Ukrainian Academy of Sciences lobbied conservation of the existing system of post-graduate research training as a «national peculiarity», but was 'de facto' overruled by Maidan activists. But, the issue was not limited to arguing whether the «kandydat nauk» should be renamed into a «Doctor of Philosophy» title. Obtaining a Bologna-style PhD involves a student experience that is different from Ukraine's traditional aspirantura (post-graduate) system, which is based on a «master-slave» relationship between supervisor and student with little imposed structure.¹ Structured PhD programs involve not only research and dissertation writing

(usually with multiple supervisors and significant student mobility), but also completion of a program of didactic courses. The system of thesis defense also differs significantly in the Bologna-style PhD with few EU countries continuing to use standing committees to evaluate dissertations, giving preference to university-formed 'ad hoc' committees composed of narrow specialists from the candidate's specialty research area. Finally, PhD degrees are generally granted in Europe by *universities*, whereas in Ukraine, a large proportion are granted with the involvement of the National or Sectoral Academies of Sciences.

Article 5 of the newly adopted Law «On Higher Education» stipulates that, in addition to preparing a dissertation based on original research, successful graduation from a PhD program requires completion of a didactic component consisting of 30-60 ECTS credits, and that an institution that offers this component must be licensed to do so (i.e. obtain the rights and obligations of a higher education institution). Furthermore, Article 6 stipulates that thesis defense may be conducted by a standing committee (i.e. the existing system of «specialized academic councils» — generally existing within institutes of the Academy), or by an ad hoc committee created by a university for the purposes of examining a particular dissertation (i.e. the system in place in most European countries); the choice of examining committee is decided by the student. According to Article 7, a PhD diploma issued to a successful graduate must state both where the thesis was defended (i.e. in a standing or ad hoc committee), and in which institution the relevant program was completed (i.e. which university offered the didactic component). Inevitably, such a system will result in a decrease in the number of PhD's prepared by institutes of the Academy — a positive outcome if the research capacity of Ukraine's universities is to be increased. Furthermore, the legislated changes will lead (it is hoped), to universities paying greater attention to the quality of work produced by their graduates; institutional responsibility for graduating PhD's will be increased by the exigencies of a university's need to maintain its reputational capital rather than hiding behind the diffused responsibility offered by the existing system of specialized academic councils (standing defense committees) legitimized by the state.²

¹ See Vynnyts'kyy, M. I. (2012) S. 1, 12.; Vynnyts'kyy, M. I. (2008), pp. 20-27.

² Under the existing system of standing examination committees, it is not uncommon for students pursuing the «kandydat nauk» degree to complete their dissertation in one institution, and then defend their thesis in another. Upon graduation, they receive a diploma that specifies the institution where the thesis was defended, but makes no mention of the university or institution where it was prepared. On the other hand massive publications are criticized too. See Linton, J., Tierney, R., Walsh, S. (2011), pp. 244-257.

However, the reformed system of post-graduate research training put in place by the new Law is essentially a compromise: the old aspirantura system (ending in a thesis defense before a standing committee) will 'de facto' continue to exist in parallel with new structured PhD programs (culminating in ad hoc committee defenses organized by universities) that will be implemented gradually by those higher education institutions seeking to demonstrate their Western orientation. In time, students will decide which system enjoys more demand; employers will choose which system produces higher quality graduates.

A similar compromise can be seen in the new Law's introduction of the «junior Bachelor's» degree – a short cycle post-secondary novelty similar to the Associate Degree in the US, and comparable to level 5 of the European Qualifications Framework. Effectively, higher education institutions that are unable to achieve the requirements of Bologna-style Bachelor's programs, and do not possess the requisite research capacity to be called a university or academy under the new Law (e.g. colleges, regional academies and many former pedagogical institutes), have been given the option of maintaining their status as higher education institutions by offering a short-cycle degree.

On the «top-end», the «Doctor of Sciences» degree has also been maintained within the system of higher education, even though its structure has little to do with education as such – this is primarily a research degree (equivalent to «habilitation» in Germany and Poland) obtained by senior/professional research staff¹.

Thus, the system put in place by the new Law «On Higher Education» implements the Bologna 3 cycles of higher education (Bachelor, Master, Doctor) with two additional levels on each side: a «short cycle» junior Bachelor and a Doctor of Sciences. Both the top and bottom add-ons can be seen as «national peculiarities» adopted as part of the negotiated compromises required for the Law's passage.

Quality Assurance

The proclaimed goal of higher education reform is not just to bring post-secondary education in Ukraine into conformity with the system in place in the European Higher Education Area (EHEA), but also to improve the overall quality of the Ukrainian system. Although the European example was useful as an exemplar for achieving

this goal during the legislative drafting process, the actual effectiveness of the new institutional quality assurance structure put in place by Bill 1187-2 will be tested in its implementation.

The decentralization paradigm, lobbied heavily by proponents of increased university autonomy, has been fulfilled in the new Law through the creation of the National Agency for Quality Assurance in Higher Education (NAQA): an institution to which responsibility for program accreditation at all levels of higher education have been delegated (Article 18). Formerly, accreditation was the responsibility of the Ministry of Education whose officials (generally civil servants) were often criticized for overly bureaucratizing the quality verification procedure. The NAQA is to consist of 13 higher education professionals delegated by universities and 7 delegated by Academies of Sciences, plus 3 representatives of employers and 2 elected student representatives (Article 19). Its «expert committees» – responsible for actually conducting program accreditation in specific fields of study – are to be composed of 9-15 specialists from a particular academic and/or professional field (Article 21). In principle, the cooption of professionals into the work of the NAQA should lead to de-formalization of the accreditation process, and to an improvement in program quality. However, much will depend on the degree of activism and civil initiative expressed by both members of the NAQA and its coopted experts on the one hand, and on the initiative, innovativeness and flexibility of university academics on the other hand. It remains to be seen how the new Ukrainian quality assurance process in higher education will work in practice at university level. In the meantime, international experience shows us various examples of models for evaluating the quality of education in higher education having many field differences².

At the national level, responsibility for quality assurance has now been divided between the Ministry (responsible for setting standards – Article 13), and the NAQA (responsible for accreditation – Article 19). But, at the end of the day, educational excellence can only be achieved if a university's academic community is motivated to organize itself to fulfil high quality programs. According to the new Law, accreditation becomes voluntary (required only for those institutions who wish to issue a «state diploma» – Article 25); licensing is required only for newly-created institutions (Article 24). Furthermore, university managers have been awarded broad autonomous powers (Article 32): they are free to institute their own organizational

¹ The Doctor of Sciences degree was retained within the system of higher education at the insistence of the Presidium of the Academy of Sciences, and was heavily lobbied by the Academy of Pedagogical Sciences whose representative argued (dubiously in the opinion of this author) that this degree was equivalent to the EU and North American «post-doctoral degree».

² Yarmohammadiana, M.H., Mozaffary, M., Esfahanic, S.S. (2011), pp.2917–2922.

structures and employee pay scales, to design and implement their own academic programs, to award their own degrees and recognize (or not) the degrees of other institutions (including those issued by non-Ukrainian universities) without recourse to the Ministry or NAQA, to independently administer any profits generated from non-state sponsored tuition fees, or from the sale or licensing of intellectual property produced through research. In other words, with the adoption of the new Law, the management of university education has been devolved to the universities themselves. Although the NAQA may be asked to provide an independent verification of an institution's conformity to standards, the responsibility for achieving such standards (including administering resources appropriately) now falls squarely on the autonomous university itself.

However, the state has not removed itself from the higher education process entirely. The newly-adopted Law finally legally legitimizes the (nominally independent) state testing agency that was formed under Minister Ivan Vakarchuk in 2006¹ — the agency that has been conducting mandatory national exams for Bachelor's level university admissions since 2007. Although this issue was hotly debated in the run-up to the Law's adoption (with several university administrators arguing that admissions criteria should be determined by autonomous universities), the results of national subject-specific entrance exams have now been enshrined in legislation as the primary criteria for admission to all Ukrainian universities (Article 45). To some extent, the centralized role of the state in instituting an entrance exam system can be seen as logical because the admissions tests administered to students across the country are based on a standardized secondary school program instituted by the state. However, the primary reason for the popularity of the entrance test system in Ukraine is its role in reducing the rampant corruption that once existed at the university level during the admissions process.

According to the new Law, the entrance testing system will now serve an additional purpose: exam results and institutional choices top ranked by students will serve as the basis for measuring demand for education at particular higher education institutions, resulting in financial consequences for these universities². During the initial phases of the law's implementation, 20% of state-funded places for BA-level studies per annum will be allocated to

particular universities based on student demand — as determined by the number of students with top results who chose that particular institution and program (Article 73). The remaining 80% will be allocated according to a competition administered by the Ministry of Education (i.e. the same way as all state-funded places are allocated at present). Once the Law is fully implemented, all state-funded places will be allocated to universities based on the choices made by the top students throughout the country, as determined by entrance exam results (Concluding and Transitional Articles, Section 15). In other words, a university's reputation — its ability to attract top students from throughout the country — will determine the amount of state funding it receives.

Challenges of Autonomy

The paradigm of «reputation management» (branding) is new to Ukraine, and will present significant challenges to university administrators in many regions. Although Kyiv-based universities (e.g. Taras Shevchenko National University of Kyiv, National Technical University of Ukraine «Kyiv Polytechnic Institute», National University of Kyiv-Mohyla Academy, and others) have already earned national and international reputations as quality institutions, many universities in smaller urban centers have not. Such smaller institutions are often run by rectors and vice rectors who have remained in their posts for decades, and have gained significant financial benefit from corrupt schemes (e.g. selling diplomas and/or illegally renting property transferred by the state to their institution's care)³. With reputational capital becoming the ultimate arbiter of the state's funding decisions, and with mechanisms in place for increasing management transparency (e.g. Article 80, which requires all university budgets and expenditures to be made public), corrupt practices by university managers should eventually become pointless and, therefore, anachronistic. Those universities whose leaders do not realize this fact, and do not adjust accordingly, will lose funding and their institutions will eventually close.

A prime example of the reformist challenges faced by many higher education institutions in Ukraine is the issue of managing/combating plagiarism, which is vital for many European countries⁴. In recent years the issue of plagiarism in academic dissertations has degenerated into a massive problem in Ukraine, and although public scandals have been few, many educators and students believe the system of postgraduate education has been largely discredited because examiners have looked the other way (corruption

¹ When in opposition (prior to 2010), Dmytro Tabachnyk had been a vocal critic of the national entrance testing agency, claiming that it was illegal. After becoming Minister, Tabachnyk did not completely disallow entrance tests, but significantly reduced their weight in the university admissions selection process — opening himself to criticism that his actions were facilitating corrupt practices.

² Also see Horstschraer, J. (2012), pp. 1162-1176.

³ Also see Urbanovic, J. & Tauginiene, L. (2013), pp. 72-78.

⁴ see Dias, P. C. & Bastos, A.S. C. (2014), pp. 2526-2531.

is suspected in such cases, but has rarely been proved). Article 6 of the new Law introduces both personal and institutional responsibility for academic plagiarism: if all or a portion of a dissertation is found to have been plagiarized, the relevant candidate's degree (PhD or Doctor of Sciences) is annulled, his/her supervisor is disallowed from further supervisory duties (of other students) for two years, as are official examiners, while the institution that hosts the relevant thesis examination committee has its PhD-granting right (accreditation) revoked for one year. Such a sanction should (it is hoped) result in reputational losses, and their risk will provide significant incentives to universities to ensure high quality academic standards for the research degrees that they grant.

However, it should be realized that the authority of reputation will only be effective if a university's academic community is vibrant, activist, and desirous of achieving programming quality levels that students and employers will accept. In other words, in order to be successful in the educational market, an institution must not only ensure minimal compliance to generally accepted academic norms, but also employ and foster the professional growth of instructors and researchers that are appropriate to the quality offering that the institution supplies (i.e. responds to the internal and external labor markets), and/or nurture a student community that is attractive to prospective entrants. The newly-adopted legislation provides several institutional antecedents for creating such a vibrant university-based academic community.

Firstly, all university rectors/presidents are to be elected by popular vote. Ballots cast by a university's academic staff (instructors/researchers whose primary place of employment is the institution) are weighted at 75% of the total vote; votes cast by students carry 15% weight; the votes of non-academic university employees carry a 10% weighting; to be elected a candidate must win 50%+1 of the weighted ballots either in the first round, or in a subsequent second round run-off in which the top 2 candidates from the first round take part (Article 43). Although the above rector selection system is complex, and certainly disadvantages «external» candidates (those who are not well known within the university community), the system of popular election of a university's chief executive is designed to strengthen institutional autonomy, and the academic community's direct involvement in managing university affairs¹.

¹ For more trends in higher education internationalization and institutional autonomy see Güla, H., Gülb, S.S., Kayab, E., Alican, A. (2010), pp.1878-1884.

Secondly, the powers of the rector/president are not absolute. The supreme policy-making body of a university is now to be chaired by an individual that need not be the rector (as was the case previously). The Law grants this body — traditionally still referred to in the Law as the «Academic Council» — managerial authority comparable to a Western university's Senate (e.g. approval of budgets and expenditure, drawing up the academic program, quality assurance procedures, hiring and promotion — Article 36). In extreme cases, the Academic Council can suggest that the rector be recalled by the academic community, and similar powers to propose a vote of confidence in the rector are granted by the Law to the Supervisory Board of the university — a body whose composition is defined in the statutes of each institution, and whose members may not be university employees (Article 38). With these provisions, those who framed the Law sought to insure that university autonomy would not degenerate into «uncontrolled executive autonomy», and to balance the powers of an institution's executive and policy-making branches through a system of checks and balances.

Thirdly, a vibrant university-based community requires strong student government. According to Article 41 of the Law, a university's student representative body must be consulted in all cases involving expulsion, appointments of deputy deans and vice rectors, management of dormitories, etc. Furthermore, quotas for student representatives are set out in the legislation for membership in the Academic Council (Article 36). Most importantly, because the university community (via the elected rector and Academic Council) is now deemed financially autonomous, with broad rights to manage the funds/property under its control (as long as transparency is ensured), students and the faculty may engage in entrepreneurial ventures under the auspices of the university — a fact that should lead to the creation of student cafes, bookstores, publishing houses, innovative firms, and business incubators which were previously legally impossible, but will now add vibrancy to those academic communities which demonstrate the required initiative for success.

The flip-side of the passage of Bill 1187-2 (now Ukraine's Law «On Higher Education») is that the country's overcrowded field of higher education institutions will be culled by a cruel and insensitive system of supply and demand. As with any autonomous institution, universities will now have to depend on solid management practices — including finding their unique mission and niche within the national educational market (as required by Article 27, Section 7). Furthermore, although university managers will

be forced to be more transparent in their decision-making, years of non-transparent practices (including tolerating plagiarism) by members of their academic communities will now become apparent and unpleasant staffing decisions will have to be made for the sake of an institution's academic reputation, and the «value» of its diploma. The paradigm of «reputation management» will require difficult decisions that only some university managers will be willing to make. However, the consequences of their (not) making such decisions will inevitably result in student demand and, therefore, in institutional survival in the medium term. At the same time, ICT development, internationalization of higher education and globalization of the labour market also bring many other challenges for universities managers¹.

Conclusion

The passage of Bill 1187-2 represents a momentous first step in instituting long-awaited fundamental reform of Ukraine's higher education system. Universities have been granted wide-ranging autonomy, and the powers of the Ministry of Education have been greatly reduced. Although the National Agency for Quality Assurance in Higher Education has been created, the shift towards «reputation management» as the key paradigm for ensuring the medium- and long-term prosperity of higher education institutions will present new challenges for the managers of universities. Those who manage to create and grow vibrant academic communities (involving both faculty and students) will achieve success. Those who do not will close.

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¹ See Warwick Philip (2014), pp. 91-103.