

HIGHER EDUCATION, CORRUPTION AND WHISTLEBLOWERS

Proceedings of the International Conference on Corruption in Higher Education
held on September 11, 2018
at South East European University, Skopje, Macedonia

INSTITUTE FOR STRATEGIC RESEARCH AND EDUCATION

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Printed by:

Pan Computers&Print www.pan.mk



U.S. Embassy Macedonia

The publication has been prepared within ISIE Corruption Free University project implemented in the period from October 2017 – September 2018. Corruption Free University was a 12-month project aimed at preventing corruption in higher education through strengthening the capacities of universities and student bodies in MK to implement the Whistleblower's Act.

This publication was funded in part through a U.S. Embassy grant. The opinions, findings, and conclusions or recommendations expressed herein are those of the authors and do not necessarily reflect those of the U.S. Government or the Institute for Strategic Research and Education.

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UDC: 378:343.352-049.65(497.7)

1.01 Original Scientific Article

Building Capacities for Preventing Corruption in Higher Education in Macedonia

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ABSTRACT

Publius Cornelius Tacitus, has given a very unusual equation that more or less turned out to be true in the case of Macedonia. He stated „Corruptissima republica plurimae leges - The more laws one state has, the more corrupted it is”. Hence, we have numerous of laws that define, incriminate, fight, detect and prevent corruption but still the general impression is that we have more and more corruption and that we are far from the point we want to achieve. The purpose of this article is give a short introduction on corruption in general and on corruption in higher education in Macedonia. We will make a strong effort to elaborate its phenomenology and etiology in higher education in order to see where we are and to be able to come to relevant conclusions and give recommendations for successful fight against corruption in higher education. In order to be comprehensive we will elaborate the relevant laws for fighting and preventing corruption in higher education and we

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will try to estimate the potential of our legislation for successful fight against corruption in higher education. We are of the opinion that we have solid legislation background but our weak spot lies in their implementation and the real possibility of the implementation of the provisions of the relevant laws. We have to work on building capacities especially in those areas where corruption often occurs.

Key words: *corruption, higher education, crime, prevention, whistleblowers, Macedonia.*

*Power tends to corrupt, and absolute power corrupts absolutely.
An observation that a person's sense of morality lessens as his or
her power increases.*

Lord Acton, 1887, Letter to Bishop Creighton

*"It is said that power corrupts, but actually it's more true that
power attracts the corruptible. The sane are usually attracted by other
things than power."*

David Brin (2018, August 30th)

INTRODUCTION

The origin of 'corruption' comes from the Latin terms *corruptus*, or *corrumpere* which mean spoiled or break into pieces, accordingly (2018, United Nations Documents). In Medieval Latin this word expressed a *moral decay, wicked behavior, putridity, rotteness*. This Latin meaning was consistent with the classical notion of corruption, which in ancient Greece referred less to the actions of individuals than to the moral health of whole societies (Osipian, 2007, p. 314). From historical perspective, in the Roman law, there were different types of courts that had the mandate to convict different types of corruption. (Gurkova, 2010). First court established to convict corruption was known as *Quaestio de repetundae*.

The problem with corruption in higher education is that corruption in higher education is seen as an isolated incident and not in a manner as a systematical problem that could eventually bring to devastating consequences. Higher education is often a desired area of influence due to the prestigious status enjoyed by the academic community. Education predetermines the quality of human resources of the state, has the key significance for its competitiveness. The problem of corruption in high education prevents its development and is an obstacle for the accrediting of universities by international organizations and accreditation agencies.

For ourselves, in our present circumstances, defining, recognizing, and naming corruption—privately and publicly—are perhaps our first, most important steps in challenging and changing it. Until we recognize corruption in all its many appearances, we remain its unwitting victims (Duncan W. 2018, August, 29th), because corruptions causes erosion of the rule of law.

Corruption in many national educational systems has a systemic character, is endemic to the society, and often reaches epidemic proportions. (Osipian, 2013, p.218) *Access to education, academic grades, term papers, degrees, credentials, and honors are all for sale. Professors of all ranks in many countries are totally underpaid along with other public employees. They abuse their position in order to sustain themselves. Chronic underfunding, poor coordination, lack of transparency and control result in an education system riddled with all types of misconduct, from outright bribery and kickbacks to cronyism and ghost teachers, and from grand scale embezzlement and fraud to gross waste and petty theft.* (Osipian, 2013, p.219)

DEFINING CORRUPTION

Defining corruption in general

There are numerous definitions for corruption and therefore it seems that every time one starts to find the appropriate one, ends up more confused than before he read the first definition for this phenomenon. This is because corruption has so different phenomenology, its finds so many shapes and forms as if it is a chameleon. Nonetheless, an international definition of 'corruption' does not exist, as this would raise legal and political complications.

Consequently, different understandings of 'corruption' are given by multiple jurisdictions according to their own cultural conceptions. Corruption should therefore be viewed as a complex and multilayered phenomenon, with a multiplicity of causes and effects, as if it shows many different forms and functions in various contexts, ranging from single act that transgresses a law or laws, to being a way of life for an individual, group of people, or societal order, which is morally acceptable (Brooks, Walsh, Lewis, Kim, 2013, pp.11-26).

For the purpose of this article, we will use the broadly used definition by Transparency international and that is "misuse of entrusted power for private gain". According to this definition corruption "hurts everyone who depends on the integrity of people in a position of authority".

Corruption, in terms of the Macedonian Law on preventing corruption (*hereafter LPC*) means *misuse of office, public authorization, official duty and position for the purpose of gaining any benefit for oneself or others*. (Article 1-a). The purpose of this Law is to regulate the measures and activities for prevention of corruption in the exercise of power, public authorizations, official duty and politics, measures and activities for prevention of conflict of interests, measures and activities for prevention of corruption in undertaking activities of public interest by legal entities related to execution of public authorizations, as well as measures and activities for prevention of corruption in trade companies. For this purpose, special State commission for Prevention of Corruption was established. This law and its relevant provisions that can address corruption in higher education will be specially elaborated in the next chapters.

Defining corruption in higher education

Defining corruption in higher education is even more problematic than defining corruption in general. *Agreed-on definitions are rare, and definitions of corruption run the gamut from being too broad as to be rendered relatively useless to being too narrow and thus be applicable to only limited, rare, well-defined cases* (Waite D. & Allen, 2003, p.281-296). As Stephen P. Heyneman (Heyneman, 2004, p.637-648) states the definition of education corruption *derives from the more general set of corruption issues*. Like other areas, it includes the abuse of authority for material gain, but because education is an important public good, its professional standards include more than just material goods. Hence, the

definition of education corruption includes the abuse of authority for personal as well as material gain (Feoktistova, 2013, pp.167 - 172). Ararat L. Osipian, in his article „Corruption in Higher Education: conceptual approaches and measurement techniques” (2007) offers more operational definition of corruption in higher education. He defines it as *a system of informal relations established to regulate unsanctioned access to material and nonmaterial assets through abuse of the office of public or corporate trust. This definition points to the systemic character of education corruption, extends the realm of corruption in education to both public and private higher education institutions, and allows for research of corruption and its impact on access, quality, and equity in education. For instance, a faculty member in a private for-profit college abuses public trust by assigning a positive grade to a student without academic merit. Exchange of academic credentials for a bribe or based on kinship constitutes corrupt transaction independently from the form of property of the higher education institution as long as the public is deceived. This case represents corruption in higher education even if the state is not involved in terms of ownership, management, control, licensing, and accreditation. (Osipian, 2007, pp.314-335).*

PHENOMENOLOGY AND ETIOLOGY OF CORRUPTION IN HIGHER EDUCATION

The line between what can be considered ‘corrupt’ and ‘non-corrupt’ behavior is not always obvious – especially in the absence of clear rules and regulations. An example frequently mentioned in this context is that of gifts: In some societies, people are used to giving gifts, including to public officials and teachers that is seen as part of socio-cultural relations, it is a part of their tradition expressing thankfulness and has nothing to do with corruption. According to some traditions or customs of certain cultural communities, whereby the present gift is regarded as an expression of gratitude and presenting respect to the public official for the work completed within his legal duty. Refusing or denying such a symbolic gift to certain cultural communities is considered to bring bad luck (Labovik, 2006, p.69). Taking into account the low, almost insignificant value that the gift has, this behavior has no penal basis and is seen as an indivisible component of the community culture.

In other societies, it is strictly forbidden for public officials to accept gifts. This is often mentioned to argue that corruption is a cultural concept, which has no universal significance. However, these views are contradicted by reality: Experience shows that, in all cultures, people have a clear perception of what should be tolerated and what should not, even when the system of rules and regulations is weak or non-existent. To return to the example of gifts, most people make a difference between a gift of low monetary value, which is given as part of a social exchange with nothing expected in return, and a gift of higher monetary value given in the hope of obtaining some favor in return (Hallak, Poisson, 2007, p.29). However, as the value of a gift can be assessed differently according to the context, and as the intentions of the author and beneficiary of a gift are sometimes difficult to decipher, there is indeed an ill-defined border between corrupt and non-corrupt behavior. Within these grey lines, which may be found in different areas (such as teacher absenteeism or private tutoring), it may prove more appropriate to talk of ethical and non-ethical behavior rather than of corrupt and non-corrupt behavior. One way to draw the line between ethical and non-ethical behavior involves evaluating the impact of the behavior concerned on the system. Private tutoring, for instance, does not necessarily have a negative impact on the system. It may be justified on grounds of educational quality and equity when it compensates for weak public education. (Hallak, Poisson, 2007, p.29)

There is a diversity of forms of corruption in higher education. Corruption in higher education is not limited to academic corruption, nor is it limited to bribery. Bribes are but the most explicit manifestations of corruption in education. Other forms of corruption include embezzlement, fraud, nepotism, clientelism, patronage, cronyism, favoritism, kickbacks, cheating, plagiarism, research misconduct, ethics and sexual misconduct, and abuse of private property. Corrupt practices in education may also be linked to academic publishing and distribution of textbooks, mismanagement, misallocation of public resources, and gross waste. (Osipian, 2007, pp.314-335).

Osipian states:

Forms of corruption point to corruption opportunities in higher education. The room for corrupt activities exists in just about every national system of higher education. Areas and functions susceptible to corruption include selection and training of students, research, publishing, hiring and promotion of faculty, management of public funds and public property. There are also

opportunities for misconduct in university medical centers, connections with pharmaceutical industry, copyright, intellectual property and piracy. Bribery in admissions and academic process is more common for transition and developing nations. Embezzlement, research fraud, breach of academic integrity, diploma mills, and educational credentials fraud can be found in the developed nations, but they are also commonplace in the developing nations. Cheating and plagiarism among students and faculty members are characteristic of educational systems in developing and developed nations. Presence of significant governmental funding of higher education, public property, and monopoly of educators over access to higher education and educational credentials, along with the lack of transparency, accountability, coordination, and control are all fundamental for corruption opportunities in education. Discretionary power of educators, public funding, and increasing demand on higher education that exceeds the supply are necessary for corruption to perpetuate. (Osipian, 2007, p.314-335).

Some authors, like Rumyantseva, (2005) are of the opinion that corrupt activities are divided into activities that do not involve students and have a limited effect on them and activities that involve students as main actors and have an impact on their value systems, beliefs and life chances.

There is one more type of corruption that is typical for modern society but has its origins in the Roman law, and that is the 'quid pro quo' corruption commonly known as 'favor for favor' (Gurkova, 2010, pp:117-127) or trading with influence. How this type of corruption can occur in Higher education? Well, in most simple scenario, the students who have parents who are performing some public duty, get high grades with low effort, just because in near future the professor can benefit from that 'favor' and have an advantage when he/she has some private or public matter with these parents.

Etiology

Why is corruption — the misuse of public office for private gain — perceived to be more widespread in some countries than others? Different theories associate this with particular historical and cultural traditions, levels of economic development, political institutions, and government policies. (Treisman, 2000, pp.399-457) We are of the

opinion that corruptive behavior is result of the general understanding and culture, as well as the established social relations between people. Generally accepted standards of behavior are reflected in the academic community as well. Therefore, if there is a high degree of corruption in other spheres such as health, police, public procurement, it is almost impossible not to have corrupt phenomena in the field of (tertiary) education. This is due to the habit of the population to receive services from public institutions with corruptive actions. (Zivkovik, 2016, p. 25).

According to Zivkovik, there are few main factors for corruption in higher education: economic development and life standard of the country, the process of transition and the influence of the political parties.

First in line is the economic development and the standard in the state. According to Transparency International, countries with a lower standard of living have a significantly higher degree of corruption in education than those in which citizens have higher incomes. This is due to: (1) a struggle for easier acquisition of skills and diploma, and faster and better positioning on the labor market, (2) professors and academic staff consider themselves under-paid for their work (3) general notion of mistrust in state system and public services. (Zivkovik, 2016, pp. 25-26) In such countries, due to socio-economic status, people are more dependent on state apparatus and more difficultly oppose corruption, or recognize it as harmful. However, it is important to note that corruption is not an exclusive feature of poor countries or developing countries, but that it exists in more developed countries (Hallak & Poisson, 2002).

Next is the transition from one to another political or economic system. Thus, one of the main reasons for the high level of corruption in higher education in transition countries is considered to be: (1) the decentralization of education and decision-making, which makes it difficult to monitor finances and relations in the academic community; (2) lack of knowledge of higher education institutions to independently deal with corrupt phenomena; (3) difficulties in finding an adequate model for financing education, which leads to poor allocation of resources and reaching for unethical methods of communication education/advancement by the academic community; (4) weakening of ethical and moral social norms. In this regard, it is also discussed that in the transition period universities have the task of producing as many staff as possible in order to help the general well-being of the population, without promoting adequate legislation and policies to prevent unwanted consequences.

Zivkovik points out the influence of the political parties on the corruption of high education. According to this researcher, Universities even though have their full autonomy according to the laws, they are not 'immune' from the impact of the political parties. Political parties have ambitions to influence on the decision-making bodies in higher education as well as to insist on involving individuals close to their parties in the governing and decision-making bodies of universities and faculties. There are frequent examples where positive changes are hardly possible precisely for this reason. (Heyneman, Anderson, Niraliyeva, 2008).

LEGAL FRAMEWORK IN PREVENTING AND FIGHTING CORRUPTION IN MACEDONIA

With the amendments of the Criminal Code passed in 2004 and the amendments and harmonization of the substantial and procedural criminal laws with the international instruments in the past two decades, the legal framework for the fight against corruption has its real outline. In addition, our lawmaker to prove to the international society, that it has willingness to fight and prevent corruption, passed three laws that were more than needed in this field, and those are The Law on prevention corruption, the Law for prevention the collision of interest in 2017 and finally the Law on protection of whistleblowers in 2016. The law on whistleblower protection, adopted in the spring of 2016, regulates the protected disclosure of information, the rights of the whistleblower, as well as procedure and the duties of the institutions involved, meaning the legal persons serve to safeguard protected information disclosure and the securing of whistleblower protection.

The most general framework for measures and activities for preventing corruption is contained in the Law on Prevention of Corruption. This law is relevant for the professors and other employees in higher education institutions, as public officials who work in public interest. With this law, the legislator made an effort to strengthen the basic principle of the criminal law and that is the principle of legality.

This law provides that it is strictly prohibited using official duty for private interest. No one must use the office, public authorization, official duty and position to commit or omit an action, which, by law, must not, that is, must be performed, nor to subject the execution of a legal action to one's own personal interest or other person's interest. (Article 2 ph.2

of LPC) A person performing public interest activities must not abuse his/her position in order to obtain personal benefit. If there is grounded suspicion that the property of this person or of a member of his/her family has been increased in disproportion to his/her regular revenues or the revenues of the members of his/her family during the period of performance of the public interest activities, the Public Revenue Office, upon its own initiative and on request of the State Commission, shall initiate a procedure for examination of such property. The procedure shall be conducted in accordance with Article 36 and Article 36-a of the LPC.

Other provision from the LPC that can be connected to higher education is the prohibition against performance if other activities. Namely, an elected or appointed person cannot perform any other office, duty or activity incompatible with his/her office during his/her term of office. (Article 21 of the LPC) This means that professors and other employed staff in the university cannot perform any other activity resulting in earning profit, which is incompatible with his/her, official duty. However, the official can perform other works and activities only upon prior approval by the functionary heading the body (University Senate or the Scientific Council, in this case).

The LPC also provides that there is a restriction in the cooperation with legal entities. An elected or appointed person, as well as other official or responsible person in a public enterprise, public institution or other legal entity disposing of state capital cannot, during the performance of his/her office, that is service, establish business relationships with a legal entity founded by him/her or by a member of his/her family, or in which a member of his/her family is the responsible person, and if such business relationships have been established earlier, he/she shall be obliged to exclude himself/herself from any decision-making and to notify the State Commission thereof. Zivkovik gives a very good example to this provision in cases of higher education: when a professor through his own printing company, or through a company of his relative prints textbooks. Another example where this is applicable is the case when a teacher offers student services through subjects that are guided by his relatives or by himself. Also, this provision prohibits the appearance as a professor or manager of a higher education institution to conclude cooperation agreements with companies managed by them or their relatives, who perform services that need students to organize excursions, offer printing services, organizing graduate celebrations, photographing students, etc. (Zivkovik, 2016, p. 69).

There is a general provision *on prohibition against receiving gifts* (This prohibition is also regulated with the Law for employees in the public sector). Namely in Article 30 of LPC it is provided that an elected or appointed person, official and responsible person in a public enterprise or other legal entity disposing of state capital must not receive personal gifts or promises of gifts, except occasional gifts such as books, souvenirs and alike having value determined by law.

The Conflict of private and public interest used to be regulated with the LPC but now those provisions are implemented in the Law on Prevention of conflict of interest. This Law shall define the conflict of interest, the actions to be taken in case of conflict of interest, the measures for prevention of conflict of interest in the exercise of public authorizations and duties by officials. The purpose of this Law is to ensure prevention against abuse of public authorizations and duties of an official for self-interest or the interest of the affiliated persons and to ensure prevention of possibility the private interest of an official to jeopardize the public interest. (Articles 1 and 2 of the Law on Prevention of conflict of interest, hereafter LPCI)

According to Article 40 of this law in cases of unlawful requests of the superior an official that is requested by his/her superior or an elected or appointed person to act contrary to the Constitution, a law or other regulation while performing his/her service shall be obliged to point that out to the person issuing the order. Provided that the direct superior, even upon the oral notification, repeats the order, the official shall immediately notify in writing the directly higher superior than the one that has issued the order and the State Commission. After the written notification, the official shall be relieved of the obligation to perform the illegal action and cannot be held liable thereof.

This Law also prohibits exerting influence over others. This is especially relevant in cases of bringing important decisions in the University Senate or the Scientific Council. According to provision in Article 42 an elected or appointed person, as well as other official or responsible person in a public enterprise, public institution or other legal entity disposing of state capital must not use his/her position to exert influence over an individual in a state body, public enterprise, public institution or other legal entity with a view to adopting or not to adopting a certain decision, to do something, to omit or suffer something in order to gain benefit, convenience or advantage for himself/herself or others.

There is a strict prohibition of offer for bribery in this Law as well. In Article 44 it is provided that an elected or appointed person, as well as other official or responsible person in a public enterprise, public institution or other legal entity disposing of state capital that has been offered a bribe shall be obliged to undertake measures for identification of the briber and to report him/her to the competent body. In case of charges for corruption for a full-time professor, the University Senate must be informed because the University Senate is the body in which full-time professors are elected or appointed, and in case of charges for corruption of associate or assistant professor, or assistants or other scientific personal, the Scientific Council of the Faculty must be informed without any delay.

Other Law that we analyzed in this article is the Law on Public Sector Employees. Relevant provisions from this law are the provisions for prevention of conflict of interest (article 12) and the prohibition on receiving gifts (Article 39).

Incriminations from the Macedonian Criminal Code, that can be applied in cases of corruption in higher education are the following: From the Chapter 30: Crimes against official duty: Abuse of official position and authorization (Article 353), Unscrupulous operation within the service (Article 353-c), Embezzlement in the service (Article 354), Defraud in the service (Article 355), Use of resources for personal benefit while in service (Article 356), Taking bribe (Article 357), Giving bribe (Article 358), Giving a reward for unlawful influence (Article 358-a), Accepting a reward for unlawful influence (Article 359), Unlawful obtaining and covering property (Article 359-a), Disclosing an official secret (Article 360), Falsifying an official document (Article 361), Unlawful collection and payment (Article 362). From the Chapter Crimes against the property, the following crimes: Unauthorized acceptance of gifts (Article 253), Unauthorized giving of gifts (Article 253-a), Purposeful creation of bankruptcy (Article 254), Causing bankruptcy by unscrupulous operation (Article 255), Abuse of bankruptcy procedure (Article 256), Damage or privilege of the creditors (Article 257). This list is not final, other incriminations can be cases of corruption in higher education as well, such as Sexual assault by position abuse (Article 189), provisions that incriminate misconduct in the procedure for public procurement etc.

We have to have an efficient legal system for preventing and repression on corruption in order to expect the implementation of the rule of law.

In order to have successful fight against crime, it is essential to protect the ones that report it. In many cases, evidence of corruption only surfaces with the help of witnesses or victims of the corruption. Therefore, with the LPC it is provided that everyone that has discovered data (collaborators to justice and witnesses) that suggest existence of corruption cannot be criminally prosecuted or held liable in any manner. A person that has given a statement or testimony in a procedure for an act of corruption shall be given protection in accordance with law. The person shall have the right to compensation of damage he/she or other member of his/her family may suffer due to the given statement or testimony.

By their very nature, carrying out or being implicit in corrupt acts relies on secrecy and discretion (Kreutzer, 2016, p.8). It is in the clear interest of both parties involved - the briber and the recipient of the bribe - that details of illicit transactions do not become known. Participation in such transactions makes both parties liable to face prosecution under the relevant criminal law provisions. These witnesses are usually placed under considerable pressure and often find themselves being deliberately and incorrectly identified as informers by those involved in the illegal operations. The informant, witness, or whistleblower plays a special and prominent role in both the repressive and preventative approaches taken in the fight against corruption (Kreutzer, D. 2016: p.5).

How is whistleblower defined according to our laws? A *whistleblower is any individual who, with good and ethical intent, endeavors to supply information about a perceived and intentional past or future case of misconduct in public office or the private sector.*

In order to expect some individual to stand up and report corruptive or illicit acts the state must guarantee that both his/she's identity and the data or information supplied are afforded special protection. The whistleblower is also able to safely share this information with the Ministry of the Interior, the Public Prosecution, the State Commission for Prevention of Corruption, the Ombudsman, and other relevant institutions in the event that the information relates directly or indirectly to a leading figure of a corresponding institution, or the whistleblower receives no information regarding the provisions enacted within the 15 day period, or no provisions are enacted as a result, or the whistleblower is dissatisfied with the provisions or is able to determine prejudice aimed at them personally or at someone close to them. In the case that the receiving body is not authorized to accept the

information, the said receiving body should relay the information to the relevant body within eight days of receipt of the information and inform the whistleblower of this. The aforementioned government bodies are also required to implement the relevant protectionary measures for the protection of whistleblowers. Moreover, these bodies are obliged to provide the whistleblower with follow up information and report on the enacted provisions that have come about because of the information provided. The whistleblower is also granted the right to view the relevant documentation in accordance with the law on whistleblowers' protection, if the whistleblower so wishes. The above-mentioned bodies are also obliged to inform the whistleblower of the results of the proceedings. (Kreutzer, 2016, p.7)

Categories of persons, who may acquire the role of a whistleblower, are: 1. a person, who has a fixed-term or permanent contract of employment with the institution or the legal person, related to his/her information disclosure; 2. a candidate of receiving an employment contract, a candidate for a volunteering position or an intern with the institution, related to his/her information disclosure; 3. a person, who currently is or has been a volunteer or an intern in the institution, related to his/her information disclosure; 4. a person, who has been engaged in any other way with the purpose of executing work activities by the institution, related to his/her information disclosure; 5. a person, who has been or is in a business relation or in cooperation with the institution in any other way, related to his/her information disclosure; 6. a person, who has been using or is using services in the institution or the legal person in the public or private sector, who is related to his/her information disclosure. (Kreutzer, 2016, p.6-7)

However, not always the act of the whistleblower can be seen as an act of rightful reporting that a crime will occur. Sometimes the whistleblower may report crime form tendentious, insidious or dishonest reasons or just to harm the reputation of some authority or official. If it can be determined that the whistleblower is abusing their position as a whistleblower by engaging in the dissemination of false information about natural or legal persons with the purpose of damaging them, or if the whistleblower had not paid expected attention in a scrupulous manner to the degree, required by the provisions and had not verified, whether the information is valid or not, the whistleblower cedes the protection otherwise granted to them under this law. In particularly serious cases, where it is clear that the natural and legal persons have

suffered a disadvantage as a result, proceedings against the alleged whistle-blower can be brought. (Kreutzer, D. 2016: p.13)

BUILDING CAPACITIES FOR PREVENTING CORRUPTION IN HIGHER EDUCATION IN MACEDONIA

For the purpose of more efficient prevention and protection against corruption, the new Law on Higher Education includes provisions for appointing an authorized person, from the employed full-time professors, for receiving reports for corruptive behavior. By this means, the University Senate, elects an authorized person for receiving corruption charges from the employed full-time professors in the University (Article 107 and also Article 94 ph.39 from the Law on Higher education). The reporting of corruption shall be carried out verbally on a record or in writing. The authorized person for receiving corruption charges shall be obliged: 1. to act upon the reporting of corruption in accordance with the established procedures; 2. to protect the applicant's personal data, that is data that can reveal the identity of the applicant who asks to be anonymous or confidential, in accordance with the regulations for the protection of personal data and 3. inform the applicant who is known about the measures taken regarding the application without delay, and at the latest within 15 days from the day of receiving the application. The authorized person for receiving corruption charges shall be elected for a period of three years, with the right to one more nomination. The authorized person for receiving corruption charges at least twice a year shall submit a report on his work to the Senate of the University. In addition, there are provisions that prohibit nepotism in the appointing of the commissions for master and PhD thesis.

We are of the opinion that we have legislation background, but our weak spot lies in their implementation and the real possibility of the implementation of the provisions of the relevant laws. Even though the legislators have found some kind of a solution in the new Law on Higher Education (Article 107 and also Article 94 ph.39 from the Law on Higher education), that still is not good enough to fight against this erosive crime. This type of provisions are only expressing the declarative nature of the legislator that provisions against corruption are part of the legislative for higher education. Appointing a professor to receive corruption charges is at least we could do but no all we can do. It will

have the same result as the telephone hot lines for reporting corruption – no calls for a period of a year.

We don't have the real resources nor willingness for real implementation. Furthermore, in the new National Strategy there is no section for future plans for fighting against corruption. Then we ask ourselves: what should we do? We have to work on building capacities especially in those areas where corruption often occurs. There is lack of communication between relevant bodies, so we firstly have to manage this problem. Second, there is poor level of awareness of academic integrity. Therefore, we have to work on strengthening the academic integrity especially with the academic staff and the university administration. There is social apathy about corruption, lack of education initiatives, and lack of awareness that corruption is danger for society, unwillingness and fear of reporting cases of corruption, bribing is considered socially acceptable which at the end results with unacceptable behavior in academic community. For the purpose of improving the capacity of the Universities to create a framework for fight against corruption we have to find more practical solutions which will be applied to all Universities to prevent corruption. For instance, there should be mandatory workshops for first year students on unacceptable and acceptable codes of behaviors in academic community. Training courses for the employees (both academia and administrations) on unacceptable and acceptable codes of behaviors in academic community. This kind of solution is implemented in Croatia.

CONCLUSION

We are of the opinion that we have solid legislation background, but our weak spot lies in their implementation and the real possibility of the implementation of the provisions of the relevant laws. We have to work on building capacities especially in those areas where corruption often occurs. Also there is a general attitude that corruption in higher education is not detected, prosecuted or convicted in a proper manner, which brings us to more devastating result: no one reports it because no one beliefs in the judicial system and in rightful convictions. (Fakulteti.mk, 2018, August, 30th) From what we have seen there cannot be a common solution for a common problem. Every nation must find its one way to fight against corruption. Some nations may seem that repression is more appropriate, some may think that prevention is more

important than repression, others may find a different cure for this social illness, but it is more than sure that the fight against corruption must be constant, continues and persistent in order to succeed. If a higher education institution has a reputation for a corrupt institution, then it may happen that their graduate students are not desirable on the labor market and have serious difficulties in finding a job. Additionally, such institutions make it difficult for those students who have received their grades in an honest way. (Heyneman, Anderson, Nuraliyeva: 2008)

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Yelena Feoktistova (2013): Corruption in higher education and government measures for its Prevention, International Conference on Education & Educational Psychology 2013 (ICEEPSY 2013) in Procedia - Social and Behavioral Sciences 112 (2014) 167 – 172;

CIP - Каталогизација во публикација
Национална и универзитетска библиотека
"Св. Климент Охридски", Скопје

378:343.352(497.7)(062)(048.3)
343.352:378(497.7)(062)(048.3)
343.85:343.352]:(497.7)(062)(048.3)

HIGHER education, corruption and whistleblowers : proceedings of
the International conference on corruption in higher education held on
september 11, 2018 at South East European University, Skopje, Macedonia /
editorial board Patrick Schmidt ... [и др.]. - Skopje: Institute for strategic
research and education - ISIE, 2018. - 200 стр.: илустр. ; 21см

Библиографија кон трудовите

ISBN 978-608-65157-4-4

а) Високо образование - Корупција - Македонија - Собири - Апстракти
COBISS.MK-ID 108488970

Even in times of intense polarization and lack of public consensus there are two propositions which we might hope would find nearly universal assent. Simply, those propositions are: that corruption is bad, and higher education is good.

Taking this collection as a whole we can see both a focus on Macedonia, and to the Balkans, as a window into the corruption of higher education – with some responses very specific to local systems – but also as a starting point for thinking about how corruption threatens the values of higher education in a much wider and more challenging way.

Knowing the corruption we see in our home institutions and nations, we must give credit to those who have made the decision to confront it. This collection has taken up the challenge and represents an important step in the fight against corruption. As such, it deserves our attention, both directly for the lessons found here and indirectly for the inspiration and model it provides.

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The publication has been prepared within ISIE Corruption Free University project implemented in the period from October 2017 – September 2018. Corruption Free University was a 12-month project aimed at preventing corruption in higher education through strengthening the capacities of universities and student bodies in MK to implement the Whistleblower's Act.

This publication was funded in part through a U.S. Embassy grant. The opinions, findings, and conclusions or recommendations expressed herein are those of the authors and do not necessarily reflect those of the U.S. Government or the Institute for Strategic Research and Education.