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LEGAL BASIS OF INSTITUTIONAL CAPACITY IN UKRAINIAN UNIVERSITIES IN THE CONTEXT OF GLOBAL LEADERSHIP

The article is devoted to a problem of constructing a modern informational and analytical system for managing the academic process of a higher educational institution as a control system for a specific. The basic idea is to use the IAS University which is developed and is being Woo article examines the legal framework institutional capacities of the Ukrainian universities. In particular is analyzed the work of structural divisions of the University regulatory documents that guide the operations of institutions of higher education. The individual components of the principle of autonomy of universities: academic, financial, organizational, personnel, research autonomy.

Keywords: *autonomy, legal framework, regulations, University, legal equality, conflicts in the law, academic freedom, higher education.*

Problem statement and its relevance. Today it is being formed a new vision on the system of higher education in Ukraine. For this reason, it has become the subject of sharp discussion in the society. However, all participants of discussion agree that higher education in Ukraine needs drastic changes, which requires modernization of educational law system. After adoption of new Law of Ukraine on Higher Education rises an issue about unification and improvement of inner legal documents regulating functioning of higher educational establishments, including universities. In the first place, it is applied to statutes.

Analysis of scientific papers on the issue. Own vision of the direction, in which university education should develop in its different aspects are highlighted in works of modern scientists: V. Andrushchenko, V. Halpyerina, L. Hubersky, M. Zhurovsky, V. Zhuravsky, M. Kozyubra, V. Kremen, V. Luhovyy, S. Nikolayenko, V. Ohnev'yuk, S. Sysoyeva.

Theoretical and methodological basis for solving the university issue in the philosophical literature of foreign authors was elaborated by Vilhelmfon Humboldt, Harold Dzh. Berman, A. Koyre Henri N'yumen, Henri Rozovski, KhoseOretega -i- Gasset, Karl Spenser, Hans-GeorghGadamer, YurgenHabermas, Vul'fLepenes, ZhakDarrida, Marek Kvak, Marta Bohachevs'ka, M. Khaydehher.

Various solutions of functioning higher education system are developed by modern native and foreign scientists [1-3; 5; 6; 8]. However, in these studies problems of management university systems during modernization the system of higher education and formation of different positions. For example, some researchers are focusing on the formation at the basis of HEE (Higher Educational Establishments) university research and innovation systems [1; 3]; others concentrate on issues of social aspects of learning in new social conditions and subsequent employment of young specialists [2; 5; 6; 8]. However, to solve these problems there should be entire view on managing university systems grounded on modern analysis techniques.

The article is **aimed** at the definition of methodological frameworks of management higher education establishments based by analysis of modern approaches to management of the university complexes.

Relevance of social and economic processes in the field of university education increases interest to the theoretical understanding of complex processes of management of higher education in Ukraine. It is necessary to understand patterns, which emerged during the development of

university as an institution. The goal of significant enhancement the effectiveness of realization university issue in the context of forming public policy in the system of university education without awareness of the importance of university and determination of developing directions. Negative processes in Ukrainian university environment are caused by socio-economic changes in the society led to the need of development new approaches to formation of highly effective university, capable to self-improvement, self-development and formation of its own ideas [18].

Target setting of studies is to review and reasoning of theoretical principles of public administration by implementing the idea of the university in Ukrainian society, and working out recommendations for its formation.

Achieving the goal involves the following **tasks**:

- to identify the specific features of implementing the idea of the university in Ukrainian society;

- to consider the compliance of Ukrainian legislation to management system of universities in Ukraine.

The main principles of university activities. University is an educational and academic establishment, creative unity of students and staff. Their work is operated on the basis of humanism, enlightenment, patriotism and aimed at the development of personality as the highest universal values, provision of scientific common cultural and practical training of specialists of the highest qualification and formation of intellectual potential of the society.

University objectives. On analyzing statutes of Ukrainian universities it has been noticed a great list of university objectives. From our point of view, the most important of them are the following:

- realization of educational activities of certain line, which provides training specialists of appropriate educational qualification levels and correspond with standards of higher education;

- realization of scientific and technical, creative, artistic, cultural, educational, sports and recreational activities;

- study of demand on certain specialties on labor-market and promotion of career development and employment of graduating students;

- provision of cultural and spiritual development, education of students studying in the university, in the spirit of patriotism and respect for the Constitution of Ukraine;

- formation of socially mature and creative personality, upbringing of morally, mentally and physically healthy generation of citizens; formation of civil position, sense of dignity, willingness to work, the responsibility for his own life, destiny of the society, state and humanity; ensuring high ethical standards, the atmosphere of goodwill and mutual respect between staff, teachers and students;

- carrying out scientific research, organization of creative activities as the basis of training of future specialists;

- preparing of youth to independent scientific, teaching and creative activities, etc [22, 23, 24].

According to the statute charter about of the regulations of the university work, should be noted such items as **the behavior of students at the university**. Under these conditions relations between teacher and student should be based on equal rights, respect for each other. A teacher is a person with experience and one should consider it. When one person speaks, others should listen to him attentively and write down some notes, and after the lecture may ask some questions.

Students should prove themselves out and improve their skills. All opportunities are available, but students should not waste their time. They should study and teach each other. You have become a student, a person who has his own point of view and should be confident enough to defend it. You have the right to initiate. Be gratitude for what you have and keep it for the next generation of students as it had been done by the others.

Governing the university. University is governed by rector, who makes individual decisions concerning activities within the establishment, issues orders and instructions, obligatory for all departments of the university, represents the university in the state and other bodies and is responsible to the authorities for the performance of the university.

Direct management of educational, scientific-methodical, scientific and administrative economic activities of university is carried out by deputy rectors, which are responsible for these activities. This is the first deputy rector, deputy rector for academic work, deputy rector for scientific work, deputy rector for development and deputy rector for administrative work.

In addition, there is a Supervisory Council - a body, which helps in ensuring University life and oversees its activities. Another body is Academic Council. Academic Council is a body, which manages scientific and educational work, elected by the academic staff and is governed by the Regulations on the Academic Council [15, 16, 18].

University structural units are institutes and faculties. Faculty (Institute) is the basic structural educational and scientific departments, which provides training in related specialties (e.g. political scientists, sociologists, specialists in international affairs), unites educational and research activities of the departments, laboratories and other structural units.

Faculty (Institute) consists of the administration headed by the dean (director), heads of departments and other structural units. The highest official of the faculty (institute) is a dean (director), the full responsibility for faculty activities is entrusted on him.

Dean (Director) is a working body, which is created for joint management, making operational decisions on everyday issues of faculty (Institute), organizational work with students, academic staff, scientific researchers and educational supported staff.

Dean (Director) performs a huge amount of daily work:

- forms and maintains personal affairs, basic lists of enrolled and curriculum cards, plans of mastering disciplines and individual learning plans;
 - provides accounting of contingent, movement and students achievements, their timely payment of additional educational services;
 - writes and records the student cards, student record-books, and other academic references, licenses, certificates and diplomas;
 - inserts annually to student records, score cards and record-books transfer of student to the next year of study;
 - schedules lessons, test sessions, schedule of practices, meetings of state commissions on defending thesis and qualification test commissions;
 - gives to teachers/instructors and takes from them correctly completed test-examination list;
 - gives permission for students to postpone dates of tests and examinations, retaking them (with the department consent), reenrollment disciplines (with the department consent), transfer to the individual learning plan (with the approval of the faculty, institute), changes in terms of mastering subjects (with the approval of the first deputy rector);
 - prepares drafts of rector orders as to deduction, renovation of students, provision of academic leave and business trips, financial aid, approving list of theses topics, chairmen and members of the examination boards on defending qualification works, transition of students from one faculty to another, transition of student from another higher establishment, changing form of learning, etc;
 - inform students about academic rules, requirements of professional educational programs, rights and responsibilities of students, results of current reception, sessions, competitions, contests, opinion polls;
 - agrees to settle lists of students to the hostel and fosters student life and leisure (e.g. holding day of faculty, institute);
 - organize the work of chiefs, students and staff meetings and workshops [30, 31,32].
- This is not a complete description of the dean activities, however, the above mentioned is enough to understand the importance of this unit.

The authority of dean (director) of the faculty, election procedure and competence are defined by the Law of Ukraine on Higher Education and the Statute of the University. All these elements are equals to the amount of points as in previous answer to the question about the description of the dean's activities. The main stress that under the protocol decisions within his competence a Dean (director) may issue directives, compulsory for all employees and students of the faculty (Institute) (for example, internal order of faculty managers (institute) banning the use of mobile phones during classes) [8].

Department is a basic teaching and research university subdivision, which implements its activities in one or more branches of knowledge, aiming at training specialists on the principle of unity educational methodical and scientific research. The Department does the following activities:

- develops programs and offers curricula projects for preparation of training, specialties and specializations;
- develops subject work plans of specific disciplines, structural-logic schemes of teaching;
- in accordance with the needs of the educational process and directions of scientific activities generates its staff, proposes appropriate candidates to Rector;
- determines directions and topics of the scientific research;
- prepares scientific papers, textbooks and other publications, holds scientific conferences, symposia, etc [11].

The system of management universities quality in Ukraine is based on the following principles:

1. **Focusing on the customer.** In order to implement this principle in Ukrainian universities customers of educational services are identified. Among them are: applicants, students, their parents, hiring organizations, Ministry of Education of Ukraine, graduates (doctoral) etc. distributed responsibility for identifying their requirements and needs; the ways of getting feedback from customers; provided actions in case of dissatisfaction.

In addition to the orientation on the external customer of educational services, at the universities of Ukraine paid much attention to the requirements of internal customers, namely: organizers of processes, of the teaching staff, teaching and support staff and other employees of the university. After all, the satisfaction of the needs of university employees depends on quality of their work and, as a result, the level of customers' satisfaction of educational services [15].

2. **Leadership.** Managers of Ukrainian universities ensure unity of purposes and directions of university development, creates an internal environment, which allows all employees to be fully interested in achieving quality objectives.

3. **Involvement of employees.** In order to implement this principle in the university the responsibility of each employee and his contribution to the achievement of objectives is determined; the system of motivating employees for the proper performance of their tasks is also defined.

4. **Process approach.** According to this principle, any activity is considered as a process, which with a help of necessary resources converts inputs (customer requirements) and output (quality of service). For this purpose, the Ukrainian universities have identified necessary resources for their implementation (research and teaching staff, infrastructure and working environment, financial resource, library and information equipment, etc.).

5. **System approach.** It was set input and output information and material flows for the defined processes for quality management systems, which provided chains between these elements and managing them as a single system, which contributes to the effectiveness and efficiency of its operation.

6. **Permanent improvement** is realized by means of internal audits, monitoring and measuring processes, monitoring the quality of educational services, critical management reviews, implementation of corrective and preventive actions/

7. **Making decisions based on facts** is provided by systematic objective internal audits, evaluation processes and monitoring the quality of education.

8. **Mutually beneficial relations with suppliers.** In Ukraine universities are collaborating with their suppliers (schools, universities II-III accreditation level educational institutions, educational and scientific organizations, etc.) being aware of their interdependence and for this reason their relations are based on mutual understanding the needs of both sides [18].

Ukraine Universities that have a certificate of conformity of quality management system ISO 9001: 2008 ensures that:

- scientific and teaching staff involved in educational and training process are highly competent and able to perform their work at a high level;
- there are established methods of provision educational services in various fields of education;
- conditions in which a student studies, meet the requirements;
- any non-compliance, which may be identified in the work activities, documentation, by checking students achievements, etc., subject to analysis, searching for causes of their appearance, elimination in order to prevent their reappearance.

Improving quality of training competitive on the world labour-market is the main goal of the university. Achieving this aim contributes implemented quality management system.

Internal audits conducted by the certification of a "Rosukrsert" confirmed that the quality management system of Ukrainian universities meet the requirements of ISO 9001:2008. After auditing universities received a certificate of quality management system requirements of ISO 9001: 2009 (ISO 9001: 2008).

Certificate of Quality Management System ISO 9001: 2008 ensures a high level of teaching staff, effective methods of educational services in health care and modern learning environment for students.

Much work has been done to bring quality management system to international standards, subordination of all processes to a single purpose - to improve the quality of training, competitive in the global labor market.

Certificate of Quality Management System ISO 9001: 2008 ensures a high level of teaching staff, effective methods of educational services in various fields and modern learning environment for students. Only 10-12 universities in Ukraine have been certified [28].

Conclusions. Effectiveness of university management system is conditioned by many factors, among which should be mentioned subject-object relations.

Process of University governance is held as a dialectical interaction between the subject and the object-based on direct and indirect ties between them. In this way, a university faculty as an object of management makes "active influence" not only on the nature of subject activity and structure of management, but defines an organizational structures of the entire management system. In turn, the subject of university management, which has rights to make decisions and turn them into binding requirements to object affects this object. The process of public administration is reduced to an indirect interaction between subject and object, which in result of such interaction acquires new skills.

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ПРАВОВІ ОСНОВИ ІНСТИТУЦІЙНОГО ПОТЕНЦІАЛУ УНІВЕРСИТЕТІВ УКРАЇНИ В КОНТЕКСТІ ГЛОБАЛЬНОГО ЛІДЕРСТВА

У статті розглянуто правові основи інституційного потенціалу університетів України. Зокрема проаналізовано роботу структурних підрозділів університету, нормативні документи якими керуються у своїй діяльності заклади вищої освіти. Розглянуті окремі складові принципу автономії університетів: академічна, фінансова, організаційна, кадрова, науково-дослідна автономії.

Ключові слова: автономність, правові основи, нормативні документи, університет, юридична рівність, колізія в законодавстві, академічна свобода, вища освіта.