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LEGAL ASPECTS OF INTERNATIONAL ACADEMIC MOBILITY OF THE UNIVERSITY

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ABSTRACT

International academic mobility of teaching staff, researchers and students, is an important direction of development of higher educational establishments in the Russian Federation. Currently, academic mobility and the means of its increasing occupy a special place among other areas, since the provision of free mobility of human resources is the main requirement for the formation of pan-European educational space, and the Bologna process development. Other areas are intended to ensure mobility as a priority. Thus, the increase in the level of academic mobility depends on the progress in other areas. As a rule, mobility today is considered in the broader context of the internationalization of higher education. The most common definition of the internationalization is presented as multidimensional, deliberate process of international/intercultural aspects of teaching/learning, research, outreach activities and management of the organization. The highest priority for university management is increasingly considered as integral. If internationalization is also treated as a priority task, like politics, then the mobility should be expanded. It has to become the mainstream, and should not be considered only as an instrument. To implement the process of internationalization of higher education, it is necessary to go beyond mobility. Going beyond mobility in internationalization includes the internationalization of the curriculum; more international attention to the programs of state final certification; the definition of "international" competencies for all; the internationalization "at home" through extracurricular activities; online and distance learning; transnational education (sectoral university towns, programs abroad, etc.); the internationalization of research and outreach activities at the local level.

INTRODUCTION

Integration of national economies began with the exchange of goods, but now it includes the international flow of human resources. The controlling role of the state over the immigration has shifted towards the use of migration process, in order to assist in obtaining of economic benefits. Globalization helps to increase the level of migration. Today, many states participate in the competitive struggle in the global economy of knowledge. A similar set of pressure factors influenced the need for higher education at the international level [1,170]. Countries compete worldwide for human resources, and governments believe that strong system of higher education, promoting the high quality of students and teachers, is an important competitive advantage.

Universities assume the role of production facilities in the economy of knowledge, ensuring the obtaining and new application of knowledge, required by the state. In this new paradigm of higher education, universities become responsible for attracting and producing highly qualified personnel and economically applicable research.

Higher education has become one of the key channels for new global flows [2, 159].

METHODS

Part 2 of Article 105 of Federal Law No. 273-FZ of December 29, 2012 "On Education in the Russian Federation", which entered into force on September 1, 2013, identifies important vectors for the development of education, in terms of cooperation between countries, through the establishment of obligation of the Russian Federation to promote the development of cooperation in the following areas: international academic mobility of students, teachers, research scientists and other education workers; establishment of partnership relations between Russian and foreign educational organizations; attraction of foreign citizens for training in Russian organizations, engaged in educational activities; development of documentation for the recognition of education and qualification, received abroad; participation in the activities of various international organizations in the field of education, in accordance with the international treaties of the Russian Federation.

Legal basis for the international cooperation in the field of education includes: the Constitution of the Russian Federation (Article 15, etc.), international treaties of the Russian Federation, and legislative acts of the Russian Federation.

The block of international treaties is represented, first of all, by numerous bilateral treaties and agreements on cooperation in the field of education (Agreement between the Government of the Russian

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Federation and the Government of the Republic of Yemen, on Cooperation in the Field of Culture, Science, Education, Sport and Tourism (Moscow, December 17, 2002); Agreement between the Government of the Russian Federation and the Government of the Republic of Serbia, on the Mutual Recognition and Equivalence of Educational Documents and Academic Degrees (Moscow, April 10, 2013), etc.), as well as a number of multilateral agreements (for example, the Agreement on Cooperation in the Field of Spread of Knowledge and Adult Education (Moscow, January 17, 1997), the Agreement of the Member States of the Commonwealth of Independent States on the Recognition of Documents on Higher/Higher Professional Education (Minsk, May 31, 2013) and other).

RESULTS AND DISCUSSIONS

Academic mobility is an international movement of scientists and teachers for conducting scientific and teaching activities, sharing experiences, research results and other professional goals.

The main goal of international academic mobility for the student consists in the opportunity:

- to receive a full European education in the chosen field of study;
- to have the access to famous centers of knowledge, where the leading scientific schools are traditionally formed;
- to expand knowledge in all areas of European culture.

The objectives of expanding academic mobility for teachers are the following: the formation of a proper Euro-concentrated labor market, free movement of labor; exchange of experience and professional development; getting those opportunities, which for some reason are not available in their "own" university; overcoming of national isolation and taking pan-European perspective; provision of joint educational programs.

According to the data, published by the UNESCO Institute for Statistics, the mobility of students from different countries has doubled over the past 15 years from 2 to 4.3 million [3]. [fig 1]

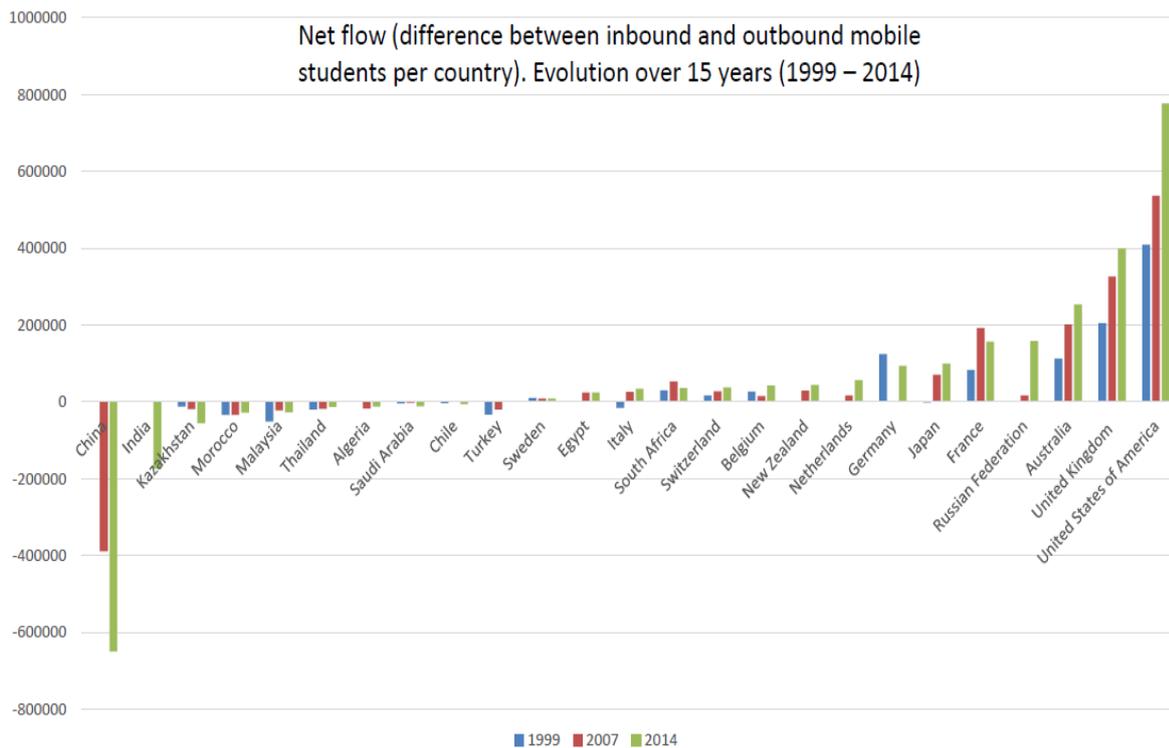


Fig. 1: The trends of mobility [10].

These data characterize the academic statistics of students from different countries, who want to obtain not only short-term training experience abroad, but complete higher education [4].

According to UNESCO research, more than 2.7 million of students study outside their national territory [2]. Students from Asian countries constitute the largest part of all students in educational establishments abroad.

Most students, participating in academic mobility programs, face difficulties both in their daily lives and in their academic activities.

The results of survey, carried out for students, studying abroad, show that they have family, financial, psychological and social problems [5, 28]. Psychological barriers and difficulties are connected with such aspects of student life as homesickness, or fear of new environment and social medium. Social difficulties are usually associated with problems of communication with family and friends. The level of emotional stress of students differs in each specific case [6].

Students, participating in academic mobility programs with the use of credit system (credit units) have also certain difficulties. The research of this problem points out at insufficient level of recognition in universities the semesters, conducted by students abroad, and credits (credit units), received abroad [7]. Students, who participate in academic mobility programs and use the credit system (credit units) during training, are faced with the fact, that they do not know the education system of other countries, they have problems due to the difference in the structure of curricula, programs, the time of examinations [7]. In turn, insufficient level of knowledge of a foreign language is a significant obstacle to the academic mobility of students, and not only for those, who are registered in programs, using the credit system (credit units) [7]. In the generally accepted definition, internationalization is a multidimensional, planned process of international (intercultural) education (learning, research, outreach activities) and management of an educational organization. In turn, internationalization for the administration of higher education establishments is an integral part of the overall strategy for the development of educational organization, which is considered as a process, promoting the improvement of quality.

SUMMARY

International academic mobility in the system of higher education is almost the single and the most important aspect of internationalization.

The tasks, set before the system of Russian higher education in the field of academic mobility are formulated in the state program of the Russian Federation "Development of Education" for 2013-2020, adopted on October 11, 2012 at the Session of the Russian Federation Government [8]. In this case, the main direction should be the formation of pan-European educational space, which is implemented through such programs as Tempus. This is one of the programs of the European Union, aimed at promotion the development of higher education systems in partner countries (non-EU members). Integration of countries into a single educational space - is an area of higher education in the context of the Lisbon Strategy and the Bologna Process.

Additional difficulties for the participants in the program of academic mobility are created by the problem of recognizing Russian documents on education abroad. With the transition of the higher education system to the level Bachelor-Master, this issue should be solved.

Also, problems exist with the recognition of foreign educational documents on the territory of Russia, otherwise called nostrification. In accordance with Federal Law No. 385-FZ of December 03, 2011 "On Amendments in Certain Legislative Acts of the Russian Federation, in Order to Improve the Procedures for Recognition of Educational Documents, Academic Degrees and Academic Titles", the documents of foreign states on the level of education and (or) qualifications, subject to the international treaties of the Russian Federation, and (or) issued by foreign educational organizations, the list of which is established by the Government of the Russian Federation, are recognized in the territory of the Russian Federation [3]. The main problems are the underdevelopment of the recognition centers at the regional level, and a good deal of time to consider the package of documents.

The legal basis for the implementation of academic mobility in the Russian Federation exists, but it does not reveal the original concepts, which contribute to confusion. It is intended for individual cases of mobility and does not involve mass variants.

One of the main obstacles to the integration of Russian education into a unified system of higher education is the non-recognition of diplomas of the majority of Russian educational establishments abroad, in spite of the Lisbon Convention, signed by Russia in 2000, on mutual recognition of education certificates.

The Convention contained the following: "Each Party shall recognize the higher education qualifications conferred in another Party, unless a substantial difference can be shown between the qualification for which recognition is sought and the corresponding qualification in the Party in which recognition is sought" [2]. However, it is recognized de facto, that Russian diploma should be issued not by a country, but certain university or employer, who are leery of the educational documents of the Russian Federation.

The issues of recognition and confirmation of educational documents are considered in Articles 106 and 107 of the new Federal Law "On Education in the Russian Federation" [9]. The presence of a system of recognition of foreign diplomas indicates that the national system is not yet integrated into the pan-European system. According to Article 107 of the above-mentioned law, "the recognition in the Russian Federation of education and (or) qualifications, received in a foreign country, is performed in accordance with the international treaties of the Russian Federation, governing the recognition and establishment of the equivalence of foreign education and (or) foreign qualifications, and legislation of the Russian

Federation" [1]. The procedure of recognition is regulated by the Order of the Ministry of Education and Science of Russia from December 24, 2013 № 1391 "On Approval of the Administrative Regulations for the Provision of State Service for Recognition of Education and (or) Qualification, Received in a Foreign Country, by the Federal Service for Supervision in the Sphere of Education and Science" [10]. The fact, that this procedure is regulated at subordinate level indicates that the system of nostrification of foreign documents in Russia has not been developed; it operates only in certain cases. As for Russian students abroad, there are recognition procedures, which make it difficult to create and implement joint educational programs.

In the process of development of qualification recognition procedures, it is important to consider such aspects, as the age trajectories of students, and the relationship between adult training and higher education, in the framework of the concept of lifelong learning.

The Bologna Process proposes the creation of a standard diploma, or at least an annex to it, reflecting the entire process of education in the generally accepted standard units. This makes the procedure of nostrification unnecessary. A relevant legislative proposal in this area will be the provision of joint diplomas at the level of federal legislation.

CONCLUSION

The legal regulation of joint educational programs, in general, and academic mobility, in particular, should be carried out in the following main directions:

- 1) reduction of national legislation, in accordance with the norms and principles of international law;
- 2) complete and systemic regulation of relations in education;
- 3) the use of foreign experience, adaptation, taking into account the Russian specific features.

The state, which guarantees academic mobility as for a separate economic entity, and in the form of joint educational programs, is represented, in our opinion, in the form of a system of normative legal acts of various regulation levels:

- legal definition of initial concepts;
- more precise delimitation of the autonomy of higher educational institutions;
- the possibility of issuing joint diplomas;
- development of procedures for checking the quality of other services, provided by the higher educational institution.

In addition, for the local level of the university, it is necessary to develop standard documents, which will ensure the implementation of academic mobility in specific cases. There are the following documents:

- 1) Organization of educational activities, using the network forms for the implementation of educational programs;
- 2) Regulations on international academic mobility;
- 3) The procedure for development of joint educational programs;
- 4) The procedure for registration of a foreign supplement to diploma.

It is also important for us to create a legal basis for international cooperation in the field of education. The current legislation provides a solution of this issue for the organizations themselves, so there are only separate links. The creation of such a framework will simplify relations in the field of education, and lead to a faster and easier integration into the pan-European education system.

CONFLICT OF INTEREST

There is no conflict of interest.

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