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**IMPLEMENTATION OF STUDENTS' ACADEMIC RIGHTS IN
THE CONTEXT OF EDUCATIONAL TRANSFORMATION**Olga V. Scherbakova (a), Yulia N. Boyarskaya (a), Elena V. Kombarova (a),
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Abstract

As a result of the dynamic development and widespread introduction of digital technologies, working conditions are significantly transformed, the demand for professions is undergoing changes, and the role of education is being reassessed. In this regard, the identification of problems and contradictions that impede the improvement of the quality of education and limit the implementation of the academic rights of students acquire special significance. The primary goal of the “regulatory guillotine” policy implemented by the state in the field of education is to monitor the regulatory arrangements of educational activities. Analysis of regulatory legal acts, law enforcement practice, scientific publications on the research topic revealed the presence of significant restrictions, as well as internal contradictions that significantly increase the risks of realizing in practice individual academic rights of students: the right to transfer, to resume studies, individual training and participation in the formation of the content of their professional education. Recently, in practice many universities have had their licenses and state accreditation suspended or revoked. The cessation of educational organizations entailed the identification of the implementation of students’ academic rights to transfer from one educational organization to another. The mainstreaming of digital technologies and electronic document management in the educational process helps to optimize and reduce the burden on all participants in educational activities. The digitalization made it necessary issuing on paper some documents, for example, a student ID and a record book, which are already maintained electronically in some educational organizations.

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1. Introduction

The most important condition for implementing the strategy of advanced development of the Russian Federation is to improve the quality of human capital, which requires the transformation of the educational space and the mechanism for regulating educational activities that are adequate to the trends of social and cultural development of society (Baryshnikova et al., 2021). In this regard, the improvement of the control and supervisory mechanism in the field of education, as well as ensuring the practical implementation of the academic rights of students, is of primary importance (Zametina et al., 2020). At the same time, excessive control not only seriously hinders the activities of the universities themselves, but also increases the risks of exercising the rights of students.

2. Problem Statement

Academic rights and freedoms, social guarantees, duties and responsibilities, along with restrictions are integral parts of the legal status of students (Bach, 2003). The exercise of many academic rights is regulated in addition to Federal Law of December 29, 2012 (as amended on March 24, 2021) No. 273-FL “On Education in the Russian Federation” (hereinafter – FL “On Education in the Russian Federation”). Other regulatory acts were adopted on the basis of and in pursuance of the basic requirements of the specified Federal Law, in particular, by orders of the Ministry of Education and Science of the Russian Federation. Such a regulation system ensures greater efficiency in making changes and additions, if necessary (Granados, 2019). However, at the same time, it also entails a number of negative consequences: a large number of bylaws, their partial and, in some cases, unsystematic changes, as well as the presence of a number of contradictions that complicate their practical implementation by universities, require additional clarifications or changes.

3. Research Questions

Analysis of normative legal acts, law enforcement practice, and scientific publications on the research topic revealed the presence of significant restrictions, as well as internal contradictions that significantly increase the risks of implementing certain academic rights of students.

1. In particular, a number of problems arise when transferring students to another educational organization in the event of deprivation of state accreditation for the relevant program or termination of activity.
2. Some problems may also arise when students resume their studies after they were expelled from the organization that carries out educational activities on the initiative of the student before the completion of the main professional educational program.
3. Formally declared, but significantly limited in practice, the rights of students to study according to an individual curriculum and to participate in the formation of the content of their professional education.

4. Purpose of the Study

The purpose of the work is to analyze normative legal acts, law enforcement practice in the implementation of academic rights of students, scientific publications on this topic generalize and identify existing shortcomings in the modernization of control and supervisory activities in the field of education. This takes into account the transformation of the educational process and the role of educational organizations in the context of socio-economic and technological changes.

5. Research Methods

During the study, various methodological approaches and methods were used. In particular, the main one was the systematic approach, which is due to the fact that today, in the process of preparing and implementing the “regulatory guillotine”, it is necessary to carefully analyze the state of the mechanism for regulating educational activities. This will allow one to develop proposals for its systemic reform with the subsequent transformation of the entire Russian educational space. Modeling new regulatory mechanisms, as well as realizing the rights of students, requires the use of a normative approach, which involves taking into account expert opinion, as well as a qualitative assessment of an extensive empirical base (Mertala, 2019; Poskanzer, 2002; Romanova, 2019). In addition, the study of the rights of students in the context of the dynamic development of digital technologies and the reduction of excessive regulation in order to achieve strategic priorities for the development of education in the Russian Federation involves the use of a strategic approach. This approach used such general scientific research methods as analysis and synthesis, as well as expert assessments.

6. Findings

In the field of exercising the rights of students, one of the problems is their transfer in case of deprivation of an educational organization of state accreditation for the relevant program or termination of its activities. The student's right to transfer to another educational organization is provided for in paragraph 15 of Art. 34 Federal Law “On Education in the Russian Federation”. The transfer of students is also regulated by regulations adopted in pursuance of this law, one of which is the Order of the Ministry of Education and Science of Russia dated August 14, 2013 (as amended on February 05, 2018) No. 957 (hereinafter – Order No. 957). It regulates the procedure and the conditions for transferring a student in case of termination of the educational organization's activities or its deprivation of state accreditation for the relevant educational program.

In accordance with clause 2 of Order No. 957, the founder of the organization and (or) the organization's management body ensures the transfer of adult students with their written consent, as well as minor students with their written consent and the written consent of their legal representatives. Thus, the transfer of students is fully within the competence of the educational organization, which determines to which university the transfer of students will be carried out. The analysis of the existing practice revealed many problems, one of which is the lack of guarantees that the liquidated university will fulfill

the obligation to transfer the student. When the receiving educational organization decides to refuse to enroll a student by way of transfer, the student's right to education will not be realized.

However, this is not the only risk that students face in this case. In accordance with clause 8 of Article 12 of the Federal Law “On Education in the Russian Federation”, educational institutions of higher education have the right independently to develop and approve appropriate educational programs, choose certain disciplines that would contribute to the development of the competencies specified in the Federal State Educational Standard of Higher Education. Then, when exercising the right for transfer, the student may face with a difference in the curricula on the part of the receiving and liquidated educational organization. The academic disciplines may not coincide, in both names and forms of control, and in credit units. Therefore, the student will have to take a number of disciplines that were not taught to him in the liquidated university due to the specifics of the programs.

A similar situation is observed with the reinstatement of a student in an educational organization. So, in accordance with paragraph 1 of Art. 62 of the Federal Law “On Education in the Russian Federation”, a person expelled from an organization carrying out educational activities, on the initiative of a student before the completion of the mastering of the main professional educational program, has the right to be reinstated for training in this organization within five years after expulsion from it. This is possible if there are free places in it and with the preservation of the previous conditions of study, not earlier than at the end of the academic year (term) in which the specified person was expelled.

However, the practical implementation of this student's right may be difficult in the impossibility of maintaining the previous learning conditions for five years. In case of reinstatement after a long period, the educational program may change significantly or no be implemented. Consequently, the student will not be able to reinstate for the same educational program, which may entail a violation of the student's rights. Moreover, with project-based education, which implies an annual change in the educational program and its modification depending on the requests of employers, reinstatement of student even after a year with the preservation of all learning conditions becomes impossible.

The next problem that arises in practice concerns the period for making a transfer. According to clause 13.1 of Order No. 957, the total period for transferring from the day students are notified of the reason entailing the need to transfer students to the day the order is issued for enrolling students in the receiving organization cannot exceed three months. Moreover, the transfer of students does not depend on the period (time) of the academic year and may coincide with both the intermediate certification and the state final certification. In this case, the student will not be able to pass the appropriate certification, which will lead to academic debts and will entail a transfer to the course below (Okulova, 2019).

In accordance with clauses 3, 4, p. 1, Art. 34, a student has the right to study according to an individual curriculum, including accelerated education, within the framework of the educational program being mastered in the manner prescribed by local regulations. In addition, a student has the right to participate in the formation of the content of his professional education, subject to the requirements of regulatory enactments (Okulova, 2019). However, in practice, this right is rather formal, blanket in nature, since the choice of optional and elective disciplines is very limited, and in most cases is carried out by the administration of the university, which is explained by the lack of classrooms, teachers, etc.

Even if the students make the choice of the discipline, then the academic disciplines chosen by the majority are studied, and the opinion of the students remaining in the minority is not taken into account.

The limitation of the process of choosing elective and optional disciplines leads to a limitation of the rights of students, which is due to the flow-group approach to learning. While the development of digital technologies (the use of electronic personal accounts of students and teachers, special programs and technological solutions) makes it possible to move at the present stage to individually oriented asynchronous learning. It should be taken into account that this approach is implemented only in certain universities, and the right of students studying there to transfer to another educational organization will be significantly limited by the difficulties arising from the transfer of the studied disciplines.

In accordance with paragraph 11 of the Transfer Procedure of the students to another organization that carries out educational activities in educational programs of secondary vocational and (or) higher education, approved by Order of the Ministry of Education and Science of Russia dated February 10, 2017 No. 124, the student submits to the receiving organization an application for transfer with the attachment of a certificate of the period of study and other documents confirming the educational achievements of the student, and can also provide other documents at its discretion.

In order to realize the rights of students, due to the possible remoteness of the original organization and the host, it is proposed to expand the possibilities of submitting applications in various ways, by analogy as provided for by the admission rules. In particular, the application for transfer can be provided to the receiving organization not only personally by the student (a trusted person) or through public postal operators, but taking into account the development of information technologies and the widespread digitalization of documents. Moreover, in the latter case, the procedure for submitting an application may be governed by local regulations of the receiving organization.

Another problem is the lack of a minimum specified period for the transfer of students in regulatory legal acts and the submission of documents to the educational organization after the publication of information on the number of vacancies. Thus, in accordance with paragraph 3 of the Transfer Procedure, the terms of transfer can be set by the educational organization independently, taking into account the requirements of the legal acts regulating this process. One of the mandatory terms is a certificate for the transfer of the student, which is prepared by the original organization within 5 working days from the date of submission of application. The lack of minimum deadlines for accepting documents after the publication of information on the number of vacancies may unreasonably limit the student's rights to transfer. The minimum period for submitting documents cannot be set less than 10 working days from the date of publication of information on the number of vacancies for transfer or restoration. Otherwise, the student's right to transfer is formal.

7. Conclusion

Thus, the academic rights of students are characterized by a blanket description in federal legislation with the regulation of their implementation in by-laws. This ensures greater efficiency in making changes and additions, but at the same time generates a number of negative consequences: the emergence of collisions and problems of practical implementation, which require constant requests to specialists from the Ministry of Education and Science for explanations and lead to an increase in the load

on both universities and regulatory bodies. At the same time, such a system does not help reduce risks for students. Therefore, the elimination of existing contradictions and collisions within the framework of the “regulatory guillotine” will contribute to the achievement of strategic priorities for the development of higher education in the Russian Federation.

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