Civil Society and Control of Corruption: Assessing Governance of Romanian Public Universities

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Abstract:

This article investigates the public perception of corruption in Romanian higher education. It reviews the governance practices of public universities in Romania through a survey of governance practices organized by the Romanian Coalition for Clean Universities[1] (CCU), an alliance of NGOs, professional associations and student and teacher unions. CCU systematically monitored and investigated 42 Romanian state universities during the academic years 2007-2009.[2] The goal of the survey was to assess the Romanian public universities' governance, checking for the integrity, fairness and ability to control corruption of their procedures. The methodology of the project will be explained in detail in the second part of this paper. In the first, we shall review the meanings, causes and consequences of corruption and bad governance in the field of education and the particular context of postcommunist Europe. In the third (and last) section the results of the survey and some lessons learned will be presented.

Keywords; academic integrity, corruption, civil society, higher education, Eastern Europe, Romania, survey

Education is one of the most important sources of public expense, therefore offering considerable opportunity for corrupt practices. A 2007 UNESCO report (Hallak and Poisson 2002) found that corruption in education is a universal problem, although the negative impact is mostly felt in developing countries. In Europe, awareness of corruption is on the rise: a 2009 Eurobarometer found higher levels of public agreement compared to 2007 that corruption is a problem for all levels of government, and across a whole range of professions. In the most concerning cases, at least nine out of ten respondents agree that corruption is a major national problem. This is the case of Greece, Bulgaria, Hungary, Malta, Cyprus, Slovenia, Portugal and Romania. According to Transparency International, the latter country has become since joining EU in 2007 the most poor and corrupt EU member country (together with Bulgaria).

The percentage of Romanians claiming that public education is corrupt is among the highest in Europe (see Table 1). A 2007 national Gallup survey found that

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[1] The study was designed and conducted by the Romanian Academic Society on behalf of the Coalition for Clean Universities. A full list of Coalition members and documents can be downloaded from http://www.sar.org.ro/index.php?page=articol&id=366.

[2] Forty-two state universities were evaluated out of a total of 46. Arts, police and naval institutes of higher education were excluded from the sample, because the questionnaire could not be applied in these cases. The project was carried out in two stages, a pilot and an extended stage.

22% of the Romanian students claim that, at least once, someone from the faculty asked for gifts, money or other favors. 13% of students say they answered the requests at least once. Approximately the same number of interviewed teachers (23%) say they have been offered money, gifts or favors from students, even if only 2% admit having accepted them[3].

Table 1. Perception of corruption in Romania in the European context

Romania in comparison	ROMANIA	EU average
Bribing in public education	30	19
Corruption national level	89	81
Corruption regional level	89	81
Corruption local level	87	83

Source: Eurobarometer 72.2[4]

This article investigates the public perception of corruption in Romanian higher education. It reviews the governance practices of public universities in Romania through a survey of governance practices organized by the Romanian Coalition for Clean Universities[5] (CCU), an alliance of NGOs, professional associations and student and teacher unions. CCU systematically monitored and investigated 42 Romanian state universities during the academic years 2007-2009.[6] The goal of the survey was to assess the Romanian public universities' governance, checking for the integrity, fairness and ability to control corruption of their procedures. The project dealt only with publicly funded universities: the notion of public integrity would have been difficult to expand to private ones which are privately funded. The methodology of the project will be explained in detail in the second part of this paper. In the first, we shall review the meanings, causes and consequences of corruption and bad governance in the field of education and the particular context of postcommunist Europe. In the third (and last) section the results of the survey and some lessons learned will be presented.

Poor governance is credited for systematically destroying the outcomes of education, resulting in standards and norms for the university or higher education system which are far removed from integrity and merit (Braxton and Bayer, 1999;

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[3] The surveys were conducted by The Gallup Organization Romania, 2007. Quoted after press release of the Open Society Fund Romania, http://www.osf.ro/ro/comunicate_detaliu.php?comunicat=36, last accessed Jan 24, 2010

[4] Eurobarometer 72.2 (2009) Attitudes of Europeans towards Corruption. Conducted by TNS Opinion & Social at the request of Directorate General for Justice, Freedom and Security, http://ec.europa.eu/public_opinion/archives/ebs/ebs_325_en.pdf , last accessed January 29, 2010

[5] The study was designed and conducted by the Romanian Academic Society on behalf of the Coalition for Clean Universities. A full list of Coalition members and documents can be downloaded from http://www.sar.org.ro/index.php?page=articol&id=366.

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Hallak and Poisson, 2007; Heyneman et al., 2007). Education serves two functions in the labour market, as Heyneman et al. (2007) point out. Corruption in education is defined by Hallak and Poisson (2002) as "the systematic use of public office for private benefit, whose impact is significant on the availability and quality of educational goods and services, and, has a consequence on access, quality or equity in education". Corruption degrades both the private and social returns of higher education, as well as the signalling value of degrees (Heyneman et al., 2007).

A variety of authors have in recent years described a range of pathologies of education spread on an equally varied geographical area. Amundsen (2000) described embezzlement, bribery, fraud, extortion and favouritism as the main forms of corruption in education. Chapman (2002) identifies five informal institutions which he sees as malpractices: namely illegal bribery or fraud, illegal fees to compensate absence or delay or regular income, bribes to cut red tape, gifts and misallocation of funds. Tanaka (2001) divides pathologies by areas where the irregular act takes place into procurement, administration and classroom. Heyneman introduced the useful distinction between corruption in the field of services and academic corruption. He also considered that the frequent situations when corruption in education does not seem to involve money demand a broader definition of corruption in education as 'abuse of authority for personal as well as material gain' (Heyneman 2002). Rumyantseva (2005) suggested a differentiation between corruption involving students as agents and pure administrative corruption. Heyneman, Anderson and Nuralyeva (2008) further classified corruption by the 'buyer' and 'seller' ends of the corrupt act. As agents of corruption can also be collective entities (Ministry, schools, universities), they departed from the tradition considering corruption in education mostly falls under the term "professional misconduct." Professional misconduct is behavior that breaks the code of conduct normally pertaining to the university professoriate (Braxton and Bayer 1999). But "corruption" contains elements beyond individual professional behaviour. It may include corruption on the part of institutions which fail to deliver the service they are supposed to while receiving the funds to execute their tasks (Heyneman, Anderson and Nuralyeva 2008). Except the UNESCO report cited (Hallack and Poisson 2007) which presents a pool of cases from around the world, recent literature seems to focus increasingly on former Soviet Union and the Balkans, as these regions present some of the most challenging situations.

Governance of public education cannot be out of touch with the general quality of governance in a society. Some understanding of the causes of poor governance in former Communist Europe, particularly the Balkans and the former Soviet Union seems therefore indicated. The Eastern Balkans (Romania and Bulgaria) fall at the bottom of East Central Europe, where they are classified according to the World Bank, though well above the mean of former Soviet Union, which records the world's worst absolute performance, with an average World Bank indicator (control of corruption) below sub-Saharan Africa (Treisman 2003). In the Global Competitiveness Report 2009 Romania ranks 124 of 134 countries at government favouritism, 114 at transparency of

policymaking and 111 at wastefulness of government spending[7]. As the rest of East Europeans, Romanians perceive that corruption has further risen in this region since the demise of Communism. From 'plan to clan' or from 'nomenklatura to kleptokratura' there is no shortage of catchy phrases depicting various features of this systemic phenomenon, which can be defined best as a specific form of governance resulting in the discretionary distribution of public goods by the state to the benefit of particular groups or individuals (Hellman 1998). Even the most advanced postcommunist countries embarked in their EU accession with TI-CPI scores below the lowest level in Western Europe, and their culture was frequently described as wholly corrupt (Miller and all, 2001; Treisman, 2003; Rose-Ackerman and Kornai, 2004).

But is 'corruption' the right term for the generalized poor governance that we see in some postcommunist societies, where whole institutions fail to deliver fair service to the public? In this paper we define 'good governance' as the particular governance mode by which a state distributes public goods (such as education) equally and fairly to all citizens, ranging from their treatment by Courts to ordinary public services. The opposite of good governance operating on such ethical universalistic principles is poor governance or systemic corruption, which operates on the basis of particularism. In the former type of society individuals expect equal treatment from the state. In the latter, their treatment depends on their status or position in society. The terms are useful to establish the societal level of the definition, as opposed to the casual meaning of corruption, which refers to the individual level. Western scholarship particularly calls corruption the situation of individual infringement of an established norm of universalism: but the phenomenon that good governance and development activists battle against is an established norm of particularism at the level of the whole society. The UN remarks in its anticorruption textbook that corruption is *an abuse of (public) power for private gain* (direct or indirect) *that hampers the public interest*', and further specifying that 'corruption entails a confusion of the private with the public sphere'.[8] The frequent 'wisdom' that corruption is universal, that it existed at all times and in every society thus blurs the crucial distinction between corruption as a social organization mode, or particularism, and the occasional, individual corruption which can indeed be found nearly everywhere, as corrupt individuals are not grounded in one particular society. The 'clean' countries on top of Transparency International do not differ from countries on the bottom simply by the *numbers* of individuals engaged in corrupt acts, but by their whole mode of governance; the countries on top managed to pass the threshold to good governance sometimes in their history and do differ substantially from the ones on the bottom (Asmerom and Reis, 1996; North and all 2009). Policies to redress the situation cannot therefore be adopted from the Western legal arsenal, which are centered on individual prosecution, but rather from the historical development of good governance in advanced societies and the transitional strategies which were employed at the times.

Where does postcommunist particularism comes from? Answers oscillate

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between the return of market to post-Communist Europe and the survival of Communist time organization and culture of administration (Treisman 2003). The superimposition of communism on traditional rural societies led to a sort of neo-traditionalist or *status societies* governed by unwritten rules more than formal laws (Jowitt 1992). Max Weber (1978: 177-180) originally defined status societies as societies dominated by status groups and ruled *by convention rather than law.* 'The firm appropriation of opportunities, especially of opportunities for domination always tend to result in the formation of status groups. The formation of status groups in turn always turn to result in monopolistic appropriation of powers of domination and sources of income". The explicit modernizing design of Communism failed due to the essential contradiction between the principle of ethical universalism and the existence of a privileged status group such as nomenklatura enjoying a power monopoly, which transition converted in many cases in an economic advantage. A model of postcommunist particularism was further developed on the basis of survey research (Mungiu-Pippidi 2006a). By cross-tabulating the strategies that citizens employ to obtain a range of public services and the satisfaction they get from the respective services a taxonomy of administrative practices results (see Table 2). As it turns out, only people who have some personal connection with the individuals working in the public service receive a satisfactorily response to their demands. The state works for them alone. Those who miss such connections, not being related to the right people or networks, have to bribe to get what they need (generally not a privilege, just the normal service) but that leaves them only moderately satisfied. And, finally, the large majority fails to either personalize service or grease it, and they are quite unsatisfied with what they get[i]. It is therefore the personal nature of the service rather than the monetary transaction which is the key pathological feature of such administrations: the bribe appears mostly as a correction. The confusion of the private with the public sphere is near permanent and not always illicit. In other words, the general norm is particularism, not universalism, despite new legislation adopted during transition years. Licit and illicit acts, classic corruption and traditional patronage all mix in a practice where public spending does not succeed to operate on the random, fair and universal principles of modern bureaucracies. The lack of performance from the part of the state during difficult transitions leads individuals in the public sector to make rational cost survival calculations and adjust their behaviour accordingly: systemic policy failure is thus mirrored by individual abdication from modern administrative behaviour (Ledeneva (1999). Even in the most successful East European transitions after 1989 the stress was rather on key structural economic adjustments than on social policies like health and education, where were carried out hastily and without full consideration, resulting in mixed incentives and gaps in oversight (Kornai 2000, Scott 2000).

A situation where policy failure of the authorities is 'corrected' by massive deviant behaviour from professional norms by individuals would of course be catastrophic in the field of education, precisely the place where future citizens are supposed to be socialized into norms of modernity and rule of law. This can only hamper the central role of education sector in creating citizens who respect the laws and trust their democratic political system (Heynemann 2002).

More than corruption of any sector in such systemically corrupted environments, corruption in education has dramatic consequences, as it socializes individuals into a culture of particularism and transforms them into contributors, rather than challengers of the system.

Table 2. Individual strategies to make the administration work under particularism

Strategy and Resources	N– varies across countries	Mechanism	Satisfaction with Service
Connections	20-25%	Personalize service	Very good
Regular greasing	10-20%	Increase efficiency of service	Fair
Occasional greasing or abstention	> 50%	Get some service	Low or none

Source: Mungiu-Pippidi 2005

On the basis of this empirical model the Romanian Academic Society (RAS), a think-tank in Bucharest has organized starting with 2004 various anticorruption coalitions and campaigns based on a specific strategy (RAS 2007; 2009; Romanian Coalition for a Clean Parliament 2006). The targets were the candidates for parliamentary elections, mayoral elections, and county elections on one side and public agencies, including universities on the other. The overall goal is to push actors whose behavior we want to change to compete for public credit for their performance. The original strategy, developed in connection with parliamentary elections, had four steps. The first step to exit the vicious circle of particularism is to organize the losers of the status quo against the status groups and the predatory elites: in other words, to build an insurrectional 'army'. This should not be only an alliance of idealists, but of groups who stand to lose most by corruption. It must necessarily contain a civil society that is politically engaged, although non-partisan, and broadly based: media, unions, church and NGOs of every type. The second step, and here international assistance can play a role (Romania acceded to NATO and EU in the space of a few years from 1999 to 2007, and as such enjoyed important international conditionality), is to create some institutional weapons that an anticorruption coalition or isolated anticorruption entrepreneurs can use for monitoring. The typical 'institutional weapons' are freedom of information acts, but there are other regulations, such as the transparent and mandatory disclosures of wealth for politicians, civil servants and magistrates which are helpful. The third step is to set the new norm, which is ethical universalism, not particularism. The coalition should agree on some concrete criteria embodying this ideal and spell them out as a full action program. The targeted actors should then be monitored by the criteria (the difference between the norm and the actual practice) and the results should be made public. Finally, the fourth step is to create incentives for the change of behavior. This is realized by the creation of a 'market' for integrity. Taking advantage of existing competitions is the best: the Romanian Coalition for a Clean Parliament succeeded in 2004 to make 98 MP candidates lose office and a government party with 20% lead at the beginning of the campaign lose elections, due to triggering of a competition of integrity among political parties. Once the first important political party accepted to cooperate (in exchange for being publicly credited as a promoter of integrity) and submitted its electoral lists to be screened by the Coalition the rest necessarily followed, creating a snowball effect as the media also cooperated in raising the stakes. Disclosure campaigns thus work best when combined with circumstances where a form of market exists and so incentives can be maximized. In the case of universities, the coalition announced that a integrity (originally was phrased as 'corruption') top will be established and the full survey will be published so that prospective students can make an informed choice when applying to a state university.

2. Methodology of Coalition for Clean Universities

The Coalition for Clean Universities was created in 2006, in the aftermath of major media scandals concerning fraudulent degrees. Even a Health Minister and professor at the Medical School (Mircea Beuran) was forced to resign his public office when it was proven that his major book had actually been a plagiate[9]. His university did not sanction him, however, as the practice of copying new textbooks ad literam from old ones was widespread in Romanian medical schools. By mid- 2000s several online sellers developed of undergraduate dissertations. On wwww.licenta.ro, for instance, dissertations on all fields are offered for an average price of 150-200 euros. A professor (Vasile Docea) who intercepted an email from a colleague offering a MA dissertation to a student was sanctioned by the West University Senate in 2007 for making the case public. The student passed the examination despite being completely ignorant, and the professor who had sold it resigned at his own initiative, blaming poor pay. Following public outrage, it took two years to the university to elect a new Senate with professor Docea in it and the prosecutors to start investigating the former Rector. The case showed the risk that corruption becomes the norm in an autonomous university, where the Ministry of Education had lost all control levers from Communist times. It was particularly problematic that the whistleblower was at some point threatened to be fired, while the culprit did not encounter significant problems with the university's management[10].

In this circumstance, the need to take more systematic action was deeply felt by the Romanian Academic Society (SAR), a think tank which had already organized successful pro-integrity coalitions and defended Professor Docea on this opportunity. The government passed a law on the quality of education in 2005 (Government Emergency Ordinance no. 75/2005), establishing a supervisory body (the Romanian Agency for Quality Assurance in Higher Education (ARACIS)) with responsibility for accrediting programmes and evaluating universities. This body took over that responsibility from the National Council on Academic Evaluation and Accreditation (part of the Ministry of Education), which had granted accreditation (sometimes highly controversially) since 1993. 54 private universities function in Romania, having received state accreditation or some provisory functioning authorization. The ARACIS board has to be approved by Parliament and as such reflects the political majority in Parliament: members are all informally supported by some political party. No substantial conflict of interest regulations exist, so that the board includes people from top university management who do not have to give up their positions at their original universities while evaluating others. The first appointment of this body proved a lengthy process and only few universities had been evaluated for quality by 2007.

It was against this backdrop that SAR built a coalition to integrate all the stakeholders in the higher education system: representatives of students, unions and professional associations or academic watchdog groups. A cooperation agreement was signed by partners such as the National Association of Romanian Student Organizations

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(ANOSR), the Group for Reform in Universities (GRU), the Romanian Academic Society (SAR), the EduCer Association (EduCer), the Ad-Astra Association (Ad Astra), the FAR Association (FAR), and the Alma Mater Federation (the largest teachers' union). Ad Astra had previously computed the level of academic achievement of universities based on their ISI-Thomson contributions. EduCer, FAR and GRU had all fought locally to denounce various abuses. The Coalition members decided to join forces in a programme which would monitor all state universities for two years with the main goal of promoting integrity norms versus generalized bad practices. For this purpose SAR developed an evaluation questionnaire meant to investigate the governance practices in a given university. The coalition debated if only public universities should be monitored, as Romania has a large and growing number of private universities, also subjected to ARACIS evaluation. As only public universities receive public funds and are subjected to regulations related to such funds the decision was taken in the end to monitor them alone.

The 2007 UNESCO study by Hallak and Poisson found that systemic corruption in education is due to a combination of internal and external factors. The internal factors quoted were monopoly and discretionary power of management, low salaries and lack of incentives for quality teaching, absence of professional norms, low management capacity, weak accounting and poor public information. The external factors identified were lack of access to information, lack of external audit and poor judicial capacity, poor generalized administrative practices with fragile budgets and low salaries (Hallack and Possion 2007: 70). As Romania was engaged in the ambitious process of EU accession, new national legislation introducing better governance had been recently passed or was under way. The questionnaire was designed to take advantage of recent legislation on freedom of information and procurement. A Freedom of Information Act (FOIA) was passed in 2001: three rounds of surveys on monitoring its implementation at the national level had already been carried out by SAR. A new, EU-endorsed procurement law was passed in 2005 when Romania signed the EU Treaty of Accession. Furthermore, in 2003 a comprehensive anticorruption package was passed introducing for the first time some regulations against conflict of interest. One of the important causes of systemic corruption signalled in the UNESCO report, poor laws and regulations was thus addressed by 2007: the gap seemed to be rather between the practice in each university and this general legal framework.

Seventy-five per cent of the items in the questionnaire covered issues of university management and administration, and twenty-five covered the governance of academic issues. Each evaluation of a university was therefore predominantly an evaluation of university central management, as the Rector alone is in charge legally and financially and together with the Senate which elects and can dismiss him he is the holder of nearly all power. To assess academic practice, a department was randomly selected for investigation from within each university at a public meeting of the Coalition. The passage from Communist authoritarianism to rule by faculty has never been completed in Romania and universities have gained autonomy (Education Law no.

84 (r2) from 24/07/1995, Art. 13), but mostly on behalf of management. The faculty has no decision rights except to elect Councils who then elect the Dean. The Deans are automatically members of the Senate. The Education, Research and Innovation Ministry's main responsibilities are reduced to approving the national strategy of education, to allocate education funding according to the law and to confirm the appointment of rectors elected by the Senates (Art. 141 from Law no. 84 (r2) of 24/07/1995).

The target population of the CUC survey was all public Romanian universities (45): three Arts universities of a very special nature were excluded, leaving 42 in total. While universities vary in size and number of departments (see Appendix 1), the governance practices do not vary greatly across one university, as most of the decision lies with management and rules are adopted at university, not department level (for instance the internal regulations, the ethical code, etc). The department randomly selected was therefore simply the location within one university where the survey inquired on academic practices in order to avoid surveying all departments unnecessarily.

The evaluation team was composed of a senior academic (Ph.D. level) and a student. Evaluators were generally selected from another university town and from a discipline different from that of the department and university they were evaluating, thereby eliminating any potential conflict of interest. Seeing that very special universities (such as Arts) were excluded, there was no need that evaluators have specific academic competencies in a given departmental field in order to carry on a governance survey based on a strictly procedural evaluation. Quite to the contrary, potential conflict of interest and even threats to evaluators had they come from within the field would have been serious problems. Evaluators started by testing the questionnaire in a pilot project and harmonizing their approach.

The questionnaire was designed to allow for checking of formal rules and informal practices and to measure the distance between the two. Section one, transparency and responsiveness was meant to evaluate the practices of university bureaucracy: the score for this section (S1) was assigned a weight of 30% of the total score. The general benchmark of transparency legislation (FOIAs) is that general information should be available ex-officio, without applicants having to solicit it. A reasonable amount of information should also be available so that both students and faculty members, as well as members of the informed public (for instance journalists) can check on the universities standards, chief activities and practices. Ideally, all the relevant information should be posted on the website of the university. Where there are material impediments, key information should be posted in other forms, but it should be available without payment, either formal or informal. Such information should include (without being exhaustive): all charters and internal regulations and guidelines; the budget and financing sources (including from private donations) of a public university; all competitions and their rules; composition of committees who decide over public funds or appointments; summaries of students evaluations; formal decisions of disciplinary committees; the yearly research, academic and financial report; the list of

faculty with their resumes, the curriculum and syllabi. Aside the information which should be posted on the website, it is vital that easy access is provided for claimants, journalists and civil society watchdogs to another type of information, such as a typical contract form, copies of procurement decisions of over 10 000 euros, a chart of teaching employment allowing to evaluate actual teaching loads and remuneration, the statements of assets and conflicts of interest of the management, a transcript of the budget debate and approval by the board (or Senate), and all other elements adapted to the legal context which would allow to check on the principle of non-discriminatory access to information, the existence of procedures and standards of good governance, compliance to more general legislation, eventual abuses of management to increase its personal profit (by favoring certain service providers, cumulating several fictional teaching loads, allowing monetary premiums to themselves or favorites, etc). Under FOIA (law 544/2001), disclosure is mandatory of any documents which are not classified in 30 days from the moment the request is made. There are administrative and legal ways of attack if a request is denied.

The most sensitive issues were the most recent statements of assets of the members of the university's management board (Law 144/2007 requires such statements to be posted on the Internet at the beginning and end of any new term of public office), and the minutes of the most recent meeting of the university's ethics committee (the 2005 law on the quality of education made such a committee mandatory, but very few such committees were even created, let alone met). Each university was evaluated according to their response to the requests: the more documents they provided or posted on the website as statutorily required, the more points they accumulated. A greater weight was granted (5 points) for the presence/absence of statement of assets and interests of management on the website. These are regulated by a special law (78/2003) and their accuracy is controlled by a state agency created in 2008, Agency for National Integrity, which was under organization at the date of this project. The final rating reflected the range of information available, its quality (updated, correct) and the responsiveness in providing it[11]. The evaluators' team approached the universities in two steps, first by checking the website, and second by applying for information not available on the website and rating the treatment that their request received as well as the quality of information. One university hired initially a legal firm to protect its information in the pilot phase, claiming that public universities are not subject to FOIA: after SAR sent a letter detailing the legal procedures of FOIA, the university gave up the lawyers and granted full access.

The documents thus received became the basis for the rest of the evaluation,

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[11] This methodology was used before by SAR to test transparency and responsiveness of the public sector agencies. Originally it was inspired by Robert Putnam's questionnaire used to rate the Italian regional governments, described in Putnam, Robert D., Robert Leonardi and Raffaella Y. Nanetti *Making Democracy Work*. Princeton: Princeton University Press, 1993.

together with information from the universities' websites, meetings with management and local stakeholders, media and official reports from the Audit Court. The CCU has also set up a website for unsolicited information. Evaluators publicly announced their presence at a university, so that every interested party could contact them and provide additional relevant information.

The second part of the questionnaire rated academic integrity, and here the data was collected at both university and department level to assign a second score, with a 20% weight (S2). As the principles of merit and merit recognition are fundamental to academic life and activities, this section of the evaluation checked therefore the existence of a regulatory framework enabling this principle, but also the practice itself. The methodology developed looks first at the regulatory framework, and then suggests a few simple indicators to check on the practice. Under regulatory framework, we need to check if:

- Guidelines for academic integrity exist in a concrete enough form to provide behavioural standards;
- They are properly advertised (for instance students have to commit by signing when they enter the university);
- Rules and codes of conduct exist to reporting fraud and to establish procedures for addressing wrongful conduct;
- Such regulations also provide voice for claimants and whistleblowers and establish that they will be heard by a different authority than the one they complain against.

Under the practice category, we need to check if:

Such rules are enforced; proper committees meet regularly; improper behavior is reported (if no case of plagiarism has ever been found, it is more likely there is no enforcement rather that nobody has ever attempted it); instances reported as problematic are followed through and solved; the results are advertised so to discourage further bad practice; regular controls exist to provide against systemic problems (students' papers checked for plagiarism regularly, library checks if new dissertations do not copy old dissertations, etc); students complaints in their evaluations of professors are followed and the results reported back to them. The teams inquired as to the existence of rules and procedures to combat plagiarism; they checked whether any cases of academic malpractice had ever been discussed and exposed; they examined the correlation between output in terms of number of publications and academic rank and salary; and they verified the presence in class of both faculty and students, as absenteeism is massive at Romanian universities.

The third category evaluates practices governing employment, careers and decision making. The benchmarks used for assessing good governance were the Romanian faculty statutes, as well as the general benchmarks for public sector employees. It generates a third score, S3, assigned a weight of 35 % from the final

score. The evaluators assessed the openness of recruitment competitions (Romania inherited a hierarchical faculty system from communist times, with universal tenure). Are recruitment competitions, at least at entrance level, advertised properly, and open to everybody? Are jobs and fellowships properly advertised? Are examinations fair and do they offer equal treatment to candidates? Are such competitions truly competitive? Evaluators also checked the existence of cases of nepotism (management or influential faculty members hiring their own relatives). Are salaries or bonuses correlated to merit or management uses its discretion to reward cronies? To evaluate whether advancement was based on merit, the evaluators were instructed to check the correlation between faculty rank and number of international publications, as Romanian law requires associate professors and professors to have the highest number of peer-reviewed publications. Bad regulations also exist which raise red flags. For instance, not all professors, even the top ranked ones, enjoy the right to advise doctoral students: a special committee at the ministerial level grants this right. Professors legally empowered form 'doctoral schools' within their universities or departments. Evaluators calculated how many ISI quoted papers exist per doctoral school. Some doctoral schools have the reputation of not having one international peer-reviewed publication for all faculty members: however, one can find such publications at other faculty members not included in the doctoral school. This is clear indication that merit is not the criterion used when organizing such schools.

Finally, this section checked on issues of democratic governance. Is the university managed on the basis of deliberation and participation from both faculty and students? What is the discretion of management? Are students' evaluations taken seriously and do they matter for the evaluation of faculty?

Finally, the fourth section (S4, weight 15%) checked the financial management practices. The management of a university should be free of fraud and corruption. Those include obtaining an unauthorized benefit for themselves or others by unethical means. Examples include but are not limited to such actions as embezzlement or other financial irregularities, forgery, falsification, or alteration of documents, authorizing or receiving payments for hours/time not worked, violation of the procurement legislation, accepting or offering bribes, kickbacks, or rebates.

The evaluators were instructed to check particularly for 'red flags': 'situations or occurrences within a programme or an activity that indicate susceptibility to corruption' (HALLAK AND POISSON 2007 2007: 70). They needed to ensure if financial documents are accessible; if procurement rules are respected; if the same 'favorite' companies repeatedly win bids for services; if funds are spent according to their destination approved or are regularly changed to different budget category at the end of year; if state auditors or civil claimants have challenged the practices of the university repeatedly. They should also check if the income and life style of management is not out of line with their official income, if they do not directly or indirectly profit from conflict of interest. Well governed universities would have a clear list of incompatibilities and

conflicts of interest situations which should be regularly checked by the ethics committee or equivalent. However, since evaluators were neither expert auditors nor policemen, they relied on official Audit Court reports (which are seldom followed up due to unclear legislation even when they recommend prosecution), procurement documents and eventual disclosures by informants which could be been checked.

A total of 100 points was awarded to all these four categories. They can be weighted equally or given different weights, according to the importance of problems depending on country. In the Romanian case, the weights were decided according to the impact of the area on goals of education (therefore procurement was 'discounted'), but also according to the number of items checked at each category (the full questionnaire is included in Appendix 3). Furthermore, from the total score 10 point penalties were deducted for situations of an exceptional gravity (with a maximum set at 40). Under penalties (P) evaluators checked if the university was repeatedly sued for malpractice or abuse by its employees or students and lost; if faculty members (more than one) were sentenced for corruption, discrimination, academic misconduct or sexual harassment over the past five years or if the university was disclosed for the practice of 'selling' diplomas or examinations. Two important state universities had been the canter stage of such scandals in recent years.

A university evaluation score can be obtained by dividing the final score to 10 after deducting the penalties. The formula is

$$\frac{SI+SII+SIII+S4-P(1,2-n)}{10} = \text{individual integrity score}$$

The final score awarded to a university, as well as the final ranking, was checked by a team of independent reviewers in order to prevent differences across evaluators, and approved by the whole Coalition board. After generating the scores, universities were grouped in 5 ranks according to final scores. Only ranks, and not scores, were published together with sets of recommendations per individual university. The ranking of a forthcoming second time evaluation will thus only follow the extent to which recommendations were implemented, taking the first year score as a baseline. The instrument thus becomes cheap to use even for an individual student association monitoring their own university.

RESULTS AND LESSONS LEARNED

A synthesis of the results is presented in Table 2. On the whole, the survey returned massive evidence of particularism as the chief governance mode. Many Romanian public universities have a closed system of governance with strict control and appropriation of opportunities by status groups (they are colloquially called

'university cliques') resulting in disproportionate influence and financial benefit. Most faculty and students have no real voice. Entry and advancement are strictly controlled. In the instances when financial benefits could have been checked it resulted that claims of huge differences and abuses were founded. It is a common practice that rectors, deans, department heads and their cliques earn 3-4 salaries at professorial level (4-10 000 euros) claiming several teaching loads taught, while assistant professors earn 3-400 euros per month at the best. Many people are asked to teach one class for less than 200 euros as associate temporary professors, to avoid declaring vacancies and employing full time professors. Patronage and nepotism reign: even existing rules are poorly or not at all implemented.

Of the 42 universities approached with requests for information, only 16 responded (of which only two without having to be approached a second time), 23 replied only when evaluators arrived at the respective university, and three completely refused to respond, even though they were statutorily required to do so. Thus, only 38% of state universities were completely transparent and responsive. However, except for three universities, they all ultimately cooperated with the evaluators and submitted the required documents, albeit in some cases after the statutory ten-day term.

Article 10 (e) of Law 144/2007 requires public institutions to publish and update the assets and interests statements of their management bards on their website. Of the 42 universities, 16 had published and updated all assets statements, 13 had published them in an incomplete form, while 13 had refused to make them public, despite being required to do so by law and despite risking a fine. The National Integrity Agency (NIA), the institution empowered with enforcing this law, which was just under organization during this project was functional enough by summer 2009 to issue a warning to all the rectors and the university management to stop breeching the law. It also started investigations on the basis of CUC reports in some individual cases. Most of these investigations are still under way. In the only one finalised and highly publicized the former rector of the Iasi University was asked to return nearly 70 000 euros that NIA considered could not have been justified from his official income.

Table 2. Final assessment of governance practices brief results

15	Category weight (maximum score)	Mean score (Standard deviation)	No. universities above average	No. universities below average
TRANSPARENCY AND RESPONSIVENESS	30%	20 (6.08)	24	18
ACADEMIC	20%	12 (3.73)	20	22

INTEGRITY				
GOOD GOVERNANCE	35%	10 (5.00)	18	24
FINANCIAL MANAGEMENT	15%	8.8 (3.80)	25	15

An immediate consequence of the rankings provided by the CCU and its public disclosure was the dramatic improvement in university websites. Even during the process, many universities rushed to post public documents they were legally required to publish (and which had not been made public before) on their websites. Following the press conference when the rankings were announced, those universities that had not yet published the assets disclosure statements eventually decided to do so. A second evaluation, taking place in 2009-2010, will concentrate on the follow-up of recommendations made by evaluators to all universities. In this way the methodology will be improved, allowing the performance of universities to be compared not only with one another but also over time.

With regard to academic integrity, evaluators discovered that universities do not have the necessary tools to control plagiarism, even though it is a frequent phenomenon encountered among both students and faculty members. Students plagiarize from the older papers of their colleagues, or from available sources on the web, and teachers plagiarize by translating articles from foreign journals and signing them. The case of the health minister Mircea Beuran is one example of the latter. His book was almost identical to a French treatise published earlier. He defended himself by saying that most books at the medical school were written in a similar way. Although he was forced to resign from the government, he remained a professor and a member of the University Senate. In the University of Bucharest also, at Faculty of Political science a textbook of Political Psychology of Lavinia Betea has used pages of other books without quoting them. The case, denounced by colleagues and sentenced by the Council had no serious follow up at university level, with the accused professor preserving her academic position[12]. Her defenders argued that the practice was so widespread that singling her out was unfair: she pointed to other colleagues as well. As in the case of Professor Docea of Timisoara, the whistleblower who was nearly fired, the management seemed more afraid of creating such a precedent than interested in the academic integrity of

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[12] See Catalin Avramescu, Lavinia Betea: un caz de plagiat. http://www.romaniaculturala.ro/articol.php?cod=8468 , last accessed December 9, 2009.

their establishment[13]. Evaluators found a total lack of enforcement of any basic rules on plagiarism at 70% of the universities. More recently, a special software has started being purchased and more systematic checks introduced, albeit still in a minority of universities.

The quality of governance in universities was found to be poor, with a mean score of ten points out of a total possible score of 35. Sixty per cent of the universities were at or below the mean. Not even the top-three universities in the final ranking scored more than 25 points. Despite the fact that most universities did observe statutory requirements concerning the publication of vacancies, in the overwhelming majority of cases only one candidate applied. The job openings are effectively earmarked for specific individuals, a practice that discourages other potential candidates. Evaluators could find no evidence of recruitment competitions being lost by "designated" candidates. This was true not only for cases of promotion, where, due to universal tenure, one might expect to find such a situation, but also to first entry junior levels – assistant professors or researchers: only a handful of departments organize open competitions for those positions. In a case of the Iasi Polytechnic University a candidate with good publication record was simply not allowed to apply to an associate professor position, on the pretext that her baccalaureate diploma from another country was not valid: but she was already a lecturer at the same university on the basis of the same diploma, having already won a competition. Evaluators also found cases of professors passed the age of retirement who had accumulated several teaching loads, while faculty staff with over 20 years of experience were still in assistant professor positions. Merit-based salary supplements were frequently awarded not on the basis of transparent criteria relating to academic performance. Three-quarters of the universities investigated could furnish neither those criteria nor lists of academics awarded such supplements. This was not only the fault of rectors: in many places Senates or Councils divided such bonuses among themselves. Only in 2010 and partly due to CUC disclosures the Labor Ministry proposed that the system of 'merit' bonuses be abolished fully, as its allocation was mostly discretionary.

In 95% of the universities, a great number of families were identified among faculty and administrative staff. For instance, one department with an academic staff of 45 was found to have eight pairs of related faculty members – three husband-and-wife pairs, and five father-and-son pairs. Frequently, a family member with a managerial position helps in the promotion of other family members, a phenomenon which raises questions about the objectivity of promotions and peer reviews. Only one university, "Alexandru Ioan Cuza" University of Iaşi, which is also Romania's oldest university, introduced, also following scandal, a systematic policy to avoid conflict of interest. Nepotism affects all categories of evaluation: a rector was found to buy supplies from his wife's company; another created a English language test and entrusted it to his wife's company without even simulating a competitive bid. In a couple of other situations a rector who had ended his legal mandate, which by Romanian law are

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[13] http://www.infonews.ro/node/43480

limited only to tried to pass the power on to somebody in the family (son-in-law in the quoted case). But many rectors solved this particular situation by having Senates create the position of university President on top of rector and becoming their own successors.

Evaluators found no real involvement of students in the decision-making process, even though, legally, students represent 25% of the members of the Senates and departmental councils of the universities. Student evaluations of courses and teachers either serve a purely formal purpose or are completely ignored. Of the 42 universities examined, only 20% complied with the requirements relating to the participation of student representatives in the decision-making process, and mostly formally. Evaluators found no proof of a decision modified due to student opposition, despite high discontent in the student body with management at most universities.

For the final part of the evaluation, the teams verified the allocation of expenditure. Frequently, the Ministry's subsidies are transferred from one category to another, one closer to the managers' interests. For instance, construction work offers better opportunities to extract personal benefits or bribes when companies bid, while the scholarship fund brings no personal gains to university managers. The evaluators reported that 38% of universities either refused to provide them with the necessary financial documents or provided incomplete documentation. This lack of transparency and the incomplete financial records raise serious doubts about managerial integrity. In many cases, evaluators found reports by the Audit Court claiming unlawful financial management. Compliance with public procurement laws was also checked at random. Evaluators found evidence of frequent direct contracting, without any bids being invited, the direct awarding of contracts to a favoured company, particularly when large sums were involved, and bids with only one competitor. The Romanian procurement legislation demands that at least three bidders are solicited for expenses over 10 000, and an open tender process is organized for expenses over 35 000 euros. For instance, according to the data published in the Electronic System for Public Procurement, between January 1st 2008 and January 19th 2009, the University of Agricultural Sciences and Veterinary Medicine, Bucharest (UASVM) Bucharest granted 85 public procurement contracts. According to the same data, 43 out of the 85 contracts, making approximately 50% of procurement contracts were negotiated with a single bidder without a prior public procurement request for alternative offers. This is legally allowed only in case of an emergency, where the need for the service is too pressing to allow for the organization of a bidding process, or if the nature of the product or service is so special that there may be only one supplier. However, the object of most of these contracts did not match to the justificatory notes. For example, a contract for buying kitchen furniture for one of the university dormitories was granted directly invoking emergency. Also, the procurement of desks for classrooms and offices through this procedure used as motivation point d) of article 122 of procurement law: [the procedure may be used] "when the products that are to be procured are extremely specific products used in scientific and experimental research, for technological development and research, and only if they are not produced for profit and do not aim at the

amortization of costs". In addition, only a small number of firms were the preferred suppliers for this type of contracts. UASVM had already been made famous for letting for fifty years their 230 hectares farm at Baneasa in north Bucharest, which had been left to them as a royal endowment, to a private developer for just 82000 euros, a case under criminal investigation.

After the final scores had been computed, the universities c into six rough categories clustering around a median score. Categories were attributed a ranking, ranging from five stars to zero. No university scored full marks on all the integrity criteria, and so no university received five stars. Three were awarded four stars, 18 received three stars, ten universities were awarded two stars, five universities one, and six universities received no stars on account of their total lack of transparency and integrity (in fact, they had so many penalties that their original low score fell below zero). Universities were offered the possibility to contest results and present evidence in their support. However, none was able to contest findings substantially. The zero ranked universities, who behaved in the least transparent manner, were unsurprisingly those which had been surrounded by most scandals, like UASVM.

The results of the assessment were presented in the form of a public ranking of universities, accompanied by more detailed reports on each institution. The CCU employed this "naming and shaming" procedure to stimulate competition. The rectors of universities with four stars received awards at a public ceremony, and their best practices were popularized.

Using the final scores of this assessment exercise as a dependent variable measuring integrity, the research team tested for causes explaining variation across universities. We found a positive association between integrity and the income of the university and between the integrity and the academic quality of the university as measured by the number of published papers quoted by ISI. This proves a serious correlation exists between quality at international level and integrity: it also validates the integrity scale. We found no connection between the foundation date of the university and integrity. The number of faculty members and students negatively influence integrity: the larger the university, the less likely it is to perform well. Small, well-endowed universities with quality professors seem to perform best (see Table 2). It was impossible to correlate the scores with the quality assessments carried out by ARACIS, as in the summer of 2009 ARACIS had published only just over half of its university quality assessment reports. ARACIS at first invited CUC to collaborate to

develop their own methodology: later they stepped back and publicly attacked the results of CUC, claiming evaluators should have been from the same field as those evaluated (but as CUC attempted an integrity evaluation, not a quality one, this would have only opened the door to conflict of interest). Quite a few ARACIS members are in fact managers at zero stars universities and they were gravely offended by the results. The control body of the Ministry, whose powers are almost nil, fully cooperated with CUC. The Audit Court was also quite cooperative. Both these institutions are frustrated with their ability to follow up on their findings and complain of their low enforcement powers.

The main cause of such behavior is the total lack of accountability of Rectors and Senates, who use the university autonomy to their personal advantage, justifying the definition of a 'corrupt' system. As many of them are also members of ARACIS, it is rather difficult to see to whom they can become seriously accountable. A notorious case is that of Vasile Burlui, the rector of the Medical University of Iasi. In association with a private university, the Stomatology Faculty where Mr. Burlui was Dean organized the final exam for Italian students of a private Romanian university, who paid for their degrees and received them without even coming to Romania. Despite being under criminal investigation after this degree mill was exposed, Mr Burlui was at first elected as Rector. Later, the Senate dismissed him. He sued and a Romanian Court reinstated him as rector against the will of the Senate. The Education Minister could not intervene much in this conflict neither when he was elected, not when the Senate refused to enforce a final sentence of a Court and accept Mr. Burlui back as Rector[14]. Meanwhile he was indicted on several counts. But law suits take many years to complete in Romania and Courts are notoriously unreliable as well, so resorting to Courts does not help much where self-regulation of the profession does not work. Perhaps the most concerning thing- but also the easier to address – is the absence of any external stakeholders from university management. Would the Senates include of representatives of the local community alongside professors they could not become closed cliques pursuing solely their own interest.

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[14] http://www.ziaruldeiasi.ro/local/iasi/burlui-strins-cu-menghina-de-inspectorii-men~ni1hu5

Table 2 Determinants of Integrity Performance

Predictors	Final score
	Coefficients
Number of years since the university was founded	0.880 *(0.37)*
Total university revenue in the past fiscal year (RON)	6.709*** *(0.00)*
Number of ISI papers in past five years, including 2009, from the ISI web of knowledge search engine	3.698*** *(0.06)*
Size of faculty per university	-4.463*** *(0.04)*
Number of students at the university	-2.542 *(0.00)*

Legend: Entries are standardized coefficients (betas), with standard deviation in parenthesis

*** significant at 0.001 level;

** significant at 0.01 level;

* significant at 0.05 level;

N (number of universities) = 42

The findings of the CUC survey both reflect and explain the failure of the education policies of the post-1989 governments. Poor financing alone can no longer explain these governance practices, as funding has improved in recent years: university professorships have become the best remunerated positions in the public sector (Miroiu and all 1998; Marga 2000). In 2007, the total public-sector expenditure

on education as a percentage of GDP was 5.5 %, and in 2008 it reached 6%. Romania has an index of 45.8 GDP per capita in Purchasing Power Standards (EU-27 = 100) (Eurostat 2008). The higher education budget is divided between 45 universities in total, enrolling yearly around 650,000 students. 17% of the faculty and about 20% of university professors manage to publish internationally (Florian 2007). The poor research output shows especially in the field of innovation. Roughly 57.734 Europeans in a million get a patent acknowledged yearly, compared to just 0.206 Romanians in a million. From 1998 to 2007, Romania was granted only 20 patents by the European Patent Office (European Patent Office, 2009).

The autonomy of universities and the decentralization of funds, seen as great political gains after 1989, have also generated undesirable effects. Granting autonomy to universities without ensuring that an accountability mechanism is put into place only fed particularism. Pro-integrity policies are difficult because of poor incentives for stakeholders to improve. As the higher education system is financed on the basis of the number of students, universities try to attract as many students as possible, regardless is this makes them spread quality even thinner. Neither professors, nor students have any incentive to achieve better results. Tuition fees at the tenths of accredited Romanian private universities are so low in some cases,[15] and education standards so poorly enforced, that practically anyone can afford a degree. Students frequently seek the degree certificate rather than the education. Reforming the Romanian education system means challenging this status quo.

To address some of the problems encountered, Romanian civil society decided to organize a second round of evaluation, where universities can improve their scores if implementing the individual recommendations received in a private communication from CUC. CUC also organized an Ombudsman of education with the support of Central and East European Civil Society Trust (CEET). The Ombudsman acts as mediator in the situations where individual rights are infringed, contacting the Rector on behalf of the claimant and organizing strategic Court litigation when needed. All rectors announced they would cooperate with the Ombudsman and six months into the program eight cases have already been mediated successfully without resorting to

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[15] The Romanian-American University, a private university, has annual tuition fees of 500 euros, while the Academy of Economic Studies, a state university, charges 1,000 euros per annum.

Courts.

However, since Romania has become a member of the European Union there has been some pressure to compete and perform in the common European higher education market. Ending many years of discrimination, European diplomas are finally recognised: as late as 1997, a Romanian Oxford graduate needed to translate her dissertation and have it reviewed in Romania to have her degree recognized. Mobility of students has also increased, many of them leaving directly after high school. This pressure might provide the needed incentives for education reform in Romania. With the opening of national borders, students may study abroad at affordable prices and get better education than the national system can provide, with top-quality human resources being thus further drained from the national labour market. Romania already ranks 104 from 134 in Global Competitiveness Report 2009 at the category brain drain. Talent leaves massively, and the economic growth of recent years has come to an abrupt halt. This situation should motivate the Romanian policymakers to cooperate with civil society in redressing the higher education system.

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[i] Based on a EU survey in five Balkan countries. See Alina Mungiu-Pippidi, "Deconstructing Balkan Particularism: The Ambiguous Social Capital of Southeastern Europe," *Southeast European and Black Sea Studies*, vol. 5, no. 1 (2005): 49-68.