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## REFORM OF THE LEGAL FRAMEWORK FOR ACADEMIC STAFF DEVELOPMENT IN THE REPUBLIC OF BULGARIA

### Abstract

In the focus of study are some of the main amendments to the national legal framework regulating the development of academic staff in the Republic of Bulgaria. In view of the discussed amendments in the legal framework, the author draws conclusions and offers critical opinions.

**Keywords:** academic staff development, academic positions, acquiring academic tenure, educational and doctoral degree (PhD).

### Introduction

The reform of the legal framework concerning academic staff development in Bulgaria is related to a new period of country's development, marked by the adoption of the Law on the Development of Academic Staff in the Republic of Bulgaria in 2010 (3PACPB)<sup>1</sup>. Said law served to adopt a decentralized approach in awarding academic degrees and academic tenure. However, nearly two decades after the adoption of this approach, opinions on the transition from a centralized to decentralized model appear to vary considerably, as witnessed by the opinions of both the Bulgarian legislator and the public.

This explains why in 2018 new amendments were made, aimed at enhancing the quality in both scientific research and teaching at tertiary level, in Bulgarian universities and scientific organizations.

The purpose of the present study is to offer a brief overview of the legal framework regulating academic staff development in Bulgaria, and in particular, placing the focus of attention on the latest legal adjustments of 2018, in an effort to systematize them. On the basis of outlined changes in the norms, conclusions and critical opinions will be offered. Analysis of national legislation in the area of academic staff development will also serve to offer a critical opinion on the one hand, while on the other, said analysis can be used as a basis for

<sup>1</sup> Law on the Development of Academic Staff in the Republic of Bulgaria Prom., SG, nr. 38 dated May 21, 2010 ... am. and supplements, num. 30 of April, 3d, 2018, in force as of May 4<sup>th</sup> 2018, amend. 17 of 26.02.2019. This new legislative act repeals the former Law on Scientific Degrees and Scientific Ranks (3HCH3) and ensures the transition from a centralized to a decentralized model.

future proposals towards sophistication of the norms and the model.

To achieve the purpose of study, the author has set to perform the following tasks:

- Present an overview of the current legal framework in the field of academic staff development in Bulgaria in view of the latest legislative decisions of 2018;
- Draw conclusions and offer criticism on the basis of analysis carried out.

The object of study is the legal framework for academic staff development in Bulgaria.

To achieve the purpose of study and associated tasks, the author has applied traditional methods in conducting legal research. The present paper does not intend to cover in detail all amendments to the current legal framework for academic staff in Bulgaria but it will throw light on legislative revisions as well as address some of the main concerns in the legal doctrine.

### **Exposition**

The adoption of the Law on the Development of Academic Staff in the Republic of Bulgaria (ZARSRB) serves to provide for the transition from a centralized to decentralized model and regulate the scientific degrees and academic titles and tenure at universities. On the one hand, said transition is related to the overall social situation in the country, reflective of the ongoing democratic changes and a desire to do away with the centralized model in all walks of life, including tertiary education. On the other hand, based on the principle of academic autonomy and its decentralized approach, higher autonomy is given to universities and scientific organizations in matters such as academic staff career and development [4, pp. 407-417]. By 2010, the need to adequately address the dynamics in social relations has justified the decision of the national legislator to propose adoption of a new normative Act which is to replace the old model and offer the academic community better prospects for growth and career development as well as guarantee the quality of instruction and research at tertiary level. By linking academic tenure with the needs of individual universities, the model of decentralization presupposes not only the activity of the subjects but it serves to bridge science and education to the needs of society [5, pp. 349-357].

For the period of the above law operation in Bulgaria<sup>2</sup>, an increase in the number of habilitated persons has been observed, particularly in the first years since the introduction of the new regulation. This, however, is not directly related to the quality of conducted research. According to NSI data, in 2017/ 2018 academic year, there were 3400 professors and 6283 associate professors working at higher schools in Bulgaria, which gives a total of 9683 habilitated persons. In comparison with academic 2008/2009, i.e. the period of operation of the old Law on Scientific Degrees and Scientific Ranks (3HCH3) and a centralized model in effect, the total number of habilitated persons reached 9414 in all, among which 2320 professors and 7094 associate professors<sup>3</sup>. The total number of habilitated persons for the

<sup>2</sup> From 2011 until the end of 2013 the number of professors has reached 1139 and the number of associate professors - 1324 in total. See shorthand for a session of the National Assembly under parliamentary control.  
<http://www.parliament.bg/bg/plenarist/ns/50/ID/4055>.

<sup>3</sup> Вж. [https://infostat.nsi.bg/infostat/pages/resorts/result.jsf?h\\_2=1291](https://infostat.nsi.bg/infostat/pages/resorts/result.jsf?h_2=1291)

above two periods discussed, respectively for the two models, is similar and comparable, indicating that despite the criticism of the new decentralized model, the same has not led to an excessive increase in the number of habilitated persons in Bulgaria. Under the new regulatory framework, the ability of higher schools and scientific organizations to plan their staff career development is seen as a positive thing, taking into account those factors which influence the educational and research activities of the higher institution concerned [6, p. 15].

Alongside the positive sides of the decentralized model in awarding scientific degrees and acquiring academic positions, such as freedom of research in the country and possibility for self-regulation of the process, there are a number of shortcomings to consider too. In the opinion of some members of the public, external to the system, academic circles are compromised. As a way to address the need for fine-tuning the decentralization model so as to guarantee better control over scientific production and procedures for acquiring scientific degrees and academic positions [1, pp. 86-97; 2, pp. 80-98; 3, pp. 137-150] and align requirements at national level, a bill for amendment and supplement of the Law on the Development of the Academic Staff was submitted to the National Assembly in 2017. The amendments were adopted on 21 March, 2018 (SG, No 30 as of 3 April 2018). This update of national legislation aims at achieving the following effects:

- Unification of material requirements for members of academic staff at various higher schools and scientific organizations. The minimum national requirements are tied to scholarly and pedagogical criteria respectively. These requirements are regulated at national level by the Act of the Council of Ministers – IIII3PACPB (Decree 122 of June 29, 2018 for the amendment and supplement of the above Act – SG, No 56 of July 6, 2018.).

- Freedom given to higher schools and scientific organizations to pose additional requirements (in view of their needs) for applicants willing to acquire academic posts (i.e. assistant professor, associate professor or full professor) written in their internal regulations.

- Need to report scientific research, relevant to both members of academic staff in Bulgaria and to scientific production. Under Art. 2a of the Law on the Development of Academic Staff in Bulgaria, a public register is to be formed, acting as electronic database for publicized dissertation theses and for habilitated persons.

Ensuring quality through revision of norms for the scientific juries. A major criticism of the previous regulation (in effect before the change in 2018) was that the scientific jury is set up according to the needs of the higher school or the organization announcing the competition. In order to overcome this deficiency, the provisions of Art. 4 of the Law on the Development of Academic Staff pose specific requirements for members of scientific juries among which the requirement for reporting/publicity. In addition, habilitates, members of scientific juries are to be entered in the NACID register, which will guarantee their compliance with the minimum national requirements, regardless of the period in which they were habilitated (in the order of the centralized model or the decentralized model).

- Effective control to ensure compliance with the norms regulating the development of academic staff in Bulgaria. This is witnessed by a greater administrative intervention of the state in procedures carried out by autonomous entities. Another step in that direction is the setting up of a new specialized body – the Commission of Academic Ethics.

## **Conclusion**

The presented normative analysis of the latest amendments to the Law does not cover all possible aspects in the development of the academic staff in Bulgaria covered by our national legislation. Nonetheless, the study will serve to draw some conclusions, outline trends and offer critical opinion.

First of all, the legislator applies the decentralized model in awarding scientific degrees and earning tenure. The new amendments to the Law allow for correction of the norms in order to encourage the scientific potential while preserving the freedom of higher schools and scientific organizations to manage their internal affairs in the light of their needs.

Secondly, the regulation places special emphasis on the development of academic staff but also insists on monitoring of selection and employment procedures so that there is full compliance with existing regulations on academic development.

The completed update of the Bulgarian legislation cannot be treated one-sidedly. On the one hand, the effort to set uniform requirements for the academics is commendable but back in time, this effort is not legally justified, especially in relation to persons who were habilitated at the time the regulation came into effect. Said habilitated persons are required to meet the new minimum requirements if they are to be entered in the national register of NCID. Also, the procedure for plagiarism cannot be fully supported as it exaggerates the hypotheses over time or in relation to subjects who can initiate it. Eventually, this may lead to instability in the social relations.

Even though the regulation has been subject to some criticism, its positive effects cannot be ignored. It is a testimony to the efforts the legislator has made to guarantee the quality of tertiary education and science by stipulating the necessity for reporting the research work of Bulgarian scientists and make it visible to the world.

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