

The practice of the implementation by students of tourism studies of their academic rights and ways to improve it

Erdakova Victoria Pavlovna
 Professor, Doctor of Technical
 Sciences, Vice-Rector for Academic
 Affairs and Quality of Educational
 Activities, Professor, Department of
 Hotel and Restaurant Business, Faculty
 of Tourism and Service
 Sochi State University
 Sochi, Russia
 victoria.erdakova@yandex.ru
 0000-0001-6203-6330

Maznichenko Marina Alexandrovna
 Associate Professor, Candidate of
 Pedagogical Sciences, Leading
 Researcher, Associate Professor,
 Department of Pedagogical and
 Psychological-Pedagogical Education,
 Social and Pedagogical Faculty
 Sochi State University
 Sochi, Russia
 maznichenkoma@mail.ru
 0000-0001-5545-063X

Shashkov Alexander Vladimirovich
 Associate Professor, Candidate of
 Pedagogical Sciences, Associate
 Professor, Department of Psychology
 and Defectology, Socio-Pedagogical
 Faculty
 Sochi State University
 Sochi, Russia
 vh109g@gmail.com
 0000-0002-3705-2010

Abstract. *As a result of Russia's entry into the Bologna process, the development of international cooperation, new areas of work with students and educational technologies takes place. One of these areas is increasing the activity of students in exercising their academic rights, which determines the competitiveness of a future specialist in the labor market, the quality of future professional activities, and the ability to independently make professional choices and bear responsibility for them. This area is of particular importance in training specialists for the tourism and service industry, since a specialist who knows how to exercise and protect his/her academic rights will be able to observe and protect the rights of consumers of tourism services.*

In universities of developed foreign countries, the academic rights of students are regulated in detail at the state and university levels. Students themselves are also active in the protection of their academic rights. In Russia, the academic rights of students are not detailed both at the federal and local levels. There is a contradiction between the students having a number of academic rights and their insufficient implementation.

The article presents the results of an analysis of the practice of implementing the academic rights of students in Russian universities. The study showed that many students do not know their academic rights, as well as related legal norms and documents. This results in the low activity of students in their implementation. The study also revealed a lack of competence among individual administrative employees of universities in the regulation of students' academic rights.

Based on the results of the experiment, the main directions of improving the students' implementation of their academic rights are determined.

Key words - *students' academic rights, implementation of academic rights, students of tourism studies.*

I. INTRODUCTION

Academic rights are a significant part of the rights of students that are associated with the educational process and educational relations. In Russia, the academic rights of students are considered as a component of their legal status in conjunction with academic freedoms, social guarantees, restrictions, duties and responsibilities. The issues of implementation of academic rights in modern conditions of democratization and the expansion of academic mobility are of particular importance.

The academic rights of students in universities of developed foreign countries are based on the principles of democracy and humanism, the provisions of the Bologna Declaration. They are aimed at ensuring the availability of higher education, supporting both student and teacher international academic mobility, improving the quality of educational programs. They are regulated in detail at the state and university levels, which in many cases allows finding a balance of interests between universities, teachers and students.

An analysis of the regulation of academic rights in the Russian Federation indicates a sufficient regulatory framework at the federal level. An important step in improving the legal regulation of students' academic rights was the adoption of Federal Law of December 29, 2012 No 273-FZ "On Education in the Russian Federation" and its entry into force on September 1, 2013. This law laid the foundation for the adaptation of legislation on the education of the Russian Federation in compliance with the goals and objectives of the "European Higher Education Area" implemented within the framework of the Bologna process, in which Russia became a participant since September 2003.

However, there is a need to create effective mechanisms for the implementation of such rights at the local (university) level. In modern conditions, there is a contradiction between the number of academic rights and freedoms enshrined in the Constitution of the Russian Federation and the Federal Law "On Education in the Russian Federation" that allow students to receive a high-quality education, participate in academic mobility, participate in managing a university, and realize their intellectual and creative potential, etc., and insufficient implementation of these rights by students and the administration of universities, low student activity in the protection of their rights.

Therefore, the research problem consists in identifying ways to improve the implementation of academic rights by the students of tourism studies.

The purpose of the study is to analyze the implementation of the academic rights by students, identify existing problems, and determine how to solve them.

Research hypothesis: students of Russian universities do not know enough and exercise their academic rights during

their studies at the university. The activity of the students of tourism studies in the implementation of their academic rights can be increased if certain organizational and pedagogical conditions are created at the university.

The research objectives are:

- to summarize the available domestic and foreign studies on the issue of the implementation of academic rights;
- to conduct a survey of administrative employees on the implementation of academic rights;
- interviewing students of Russian universities about knowing and exercising their academic rights, identifying difficulties in their implementation;
- based on the results of the survey, to determine ways for improving the practice of realizing the academic rights of students.

II. MATERIALS AND METHODS

The problems of legal regulation and practical implementation of the academic rights of students are the subject of Russian and foreign studies.

The Russian scientists are interested in the legal regulation and implementation of individual academic rights of students [1 - 7]. Reviews of international and domestic legislation in the implementation of the academic rights of students have been performed [8].

Domestic scientists are more interested in procedural academic rights, while in foreign studies the humanitarian vector is clearly expressed. Therefore, mechanisms are being developed to stimulate student's engagement [9], to eliminate racial and ethnic inequalities in education [10], and to respect the inviolability of private life [11, 12]. Other issues of significant importance are the development and implementation of ethical and behavioral codes of students and teachers [13, 14, 15], coordination of the rights and obligations of students [16], organization of psycho-correctional work [17].

The Russian scientific field is dominated by legal studies that focus on procedural issues, and rarely on the effectiveness of implementing the provisions of the law, identifying pedagogical conditions for the successful implementation of academic rights, increasing the activity of students in their implementation and protection.

A rare exception is the study by I.Yu. Belova, which presents the results of surveys of students and teachers of St. Petersburg State University, which showed a low interest of students in the exercise of their rights and a number of problems of both organizational, regulatory, and personal nature.

However, this study was carried out in one university and cannot describe the universities of the Russian Federation in general. To fill this gap, we conducted a study on the implementation of academic rights in universities of the Russian Federation.

146 experts (vice-rectors, heads of educational departments, heads of scientific departments) and 1532 students of tourism studies from 146 universities of the Russian Federation participated in the survey. The electronic questionnaire was created using the Testograph system. For each question, it was necessary to choose one or several

answers. In addition, it was proposed to write a comment on each issue.

The questionnaire for university specialists included 30 questions, divided into 4 groups:

- the first group of questions was aimed at identifying what regulatory acts employees use in the implementation of the academic rights of students;
- the second group of questions was intended for a general assessment of realizing the academic rights of students in universities and the related issues;
- the third group of questions revealed the understanding and application of existing legal norms in relation to individual academic rights of students (on academic leave, on the transition from paid tuition to free tuition, transfer from one educational institution to another);
- the fourth group of questions was aimed at assessing the existing practice of normative regulation, the implementation of the academic rights of students and possible ways to improve it.

The questionnaire for students consisted of 24 questions:

- the first group made it possible to obtain more detailed information about the students themselves, as these characteristics have a significant impact on the implementation of academic rights;
- the second group of questions made it possible to assess, on the whole, the students' awareness of academic rights and regulatory acts that control their implementation;
- the third group of questions examined students' knowledge of the legal norms governing the implementation of individual academic rights of students;
- the fourth group of questions was aimed at assessing the practice of students' implementation of academic rights, including the application of legal norms, difficulties encountered.

III. RESULTS AND DISCUSSION

A survey among administrative employees of universities on the application of legal norms governing the academic rights of students, allowed to conclude the following:

- the administrative and managerial personnel of universities do not fully recognize the importance of local university norms in regulating the academic rights of students;
- regulation of certain aspects of educational relations is not based on legal norms;
- in some universities (15%) there are no local acts regulating the implementation of students' academic rights to academic leave, transfer from paid to free tuition, transfer from university to university and from one educational program to another; respondents' answers indicate a rare use by students of these academic rights;
- in spite of more detailed regulation of a number of academic rights in federal legislation and by-laws, there are cases of administrative discretion, depending on the will of administrative staff of the university;
- in the local regulatory acts of universities there are separate rules that worsen the situation of students in

comparison with by-laws of the Ministry of Education and Science. So, some universities, when granting the right to transfer from paid to free tuition, take into account not only exam scores, but also other differentiated reporting forms. There is an infringement (inequality) of students' rights to transfer if it is impossible to continue their studies in this educational organization;

- more than half of the respondents (58.22%) do not realize the significance of the influence of the organizational and legal form of the university (and, therefore, other features such as type, status, departmental affiliation, etc.) on the implementation of academic rights. This results in ambiguous formulations of normative acts of universities that do not reflect the specifics of the university as a subject of ensuring the academic rights of students;

- in some cases, there are contradictions between local regulatory acts of universities and federal laws and regulations of the Ministry of Education and Science;

- many procedures are strictly regulated at the state level, and some fundamentally important points are left to the discretion of universities, which either establish their own rules that violate the rights of students or wait for further instructions;

- the results of the survey revealed a lack of competence among individual administrative employees of universities in the field of regulation of academic rights (they recognize incompetence in a number of issues, confuse compensation payments during the period of academic leave with a scholarship, etc.), which indicates the need for their advanced training on legal regulation;

- most often, administrative employees of universities have difficulties in realizing the academic right of students related to transfer from a university that has been deprived of state license (51.37%);

- the right of students to take academic leave in a number of universities is limited in terms of the requirements for documents for granting leave for family reasons;

- the main difficulty in exercising the right to transfer from paid to free tuition is a competition for vacant state funded places. The realization of the right of students to transfer from paid to free tuition begins to be perceived by university employees as a competitive procedure;

- the main difficulty in realizing the right to transfer is a large discrepancy in the curricula of different educational organizations (59.59%). The prevailing stereotypes and traditions, as well as the lack of a single transfer order prevent the full realization of the student's right to transfer to another educational organization. When it comes to academic mobility, difficulties most often arise with the CIS countries;

- the reform of the legislation on education (primarily the adoption of Federal Law No 273-FZ), the development and adoption of a number of by-laws of the Ministry of Education and Science contributed to a significant improvement in the conditions for the implementation of academic rights. However, there are some problems related to gaps in the legislation and by-laws, the imperfection of local regulatory acts of universities and the practice of applying legal norms;

- the majority of respondents noted the need for regulating at the federal level the activities of commissions for transfer from paid to free tuition that should be defined by a unified procedure (71.23%); a single order determining the transfer of credits, disciplines, modules, practices from one educational organizations to another (72.6%);

- 70.55% of respondents consider it necessary to create an interactive informational and methodological resource at the federal level, which will provide official explanations on emerging issues regarding the implementation of academic rights;

- respondents are aware of the need to improve not only the state regulation of academic rights, but also the conditions for their implementation in universities;

- universities experience the need for stable legislation and state regulation of higher education and the implementation of the academic rights of students.

Here are the results of a survey among students. Answers to the question "Do you know what relates to the academic rights of a student?" showed that approximately 30% of students do not know their academic rights, even the most basic, including the constitutional right to education (Figure 1).

The answers to the question "Do you know what documents govern the rights of students in the Russian Federation?" showed that more than half of students do not know what documents regulate their academic rights. 3.79% of students mentioned the Family Code, in which the academic rights of students are not stated. 85.38% of respondents know about the existence of the basic law that enshrines the rights of students (Federal Law No 273-FZ On Education in the Russian Federation). The charter of the university as a regulatory document was indicated only by 57.83% of students, the Constitution of the Russian Federation, which enshrines the right to education and serves as the basis for the implementation of all other rights of students, was mentioned only by 42.43% of respondents, the Federal Law "On Military Duty and Military Service" », securing the right to deferment from military service, - only 10.7% of students, the Civil Code, which sets the standards that should be followed when concluding, implementing and terminating the contract for the provision of paid services, noted 22.72% of the respondents. Students were also asked to indicate other documents regulating the rights of students in the Russian Federation. Such documents, which should first of all include local regulatory acts of the university, were indicated only by 0.52% of respondents (the Internal Rules were indicated).

Right to choose education form	68.41%	1048
Right to transfer to another educational institution	68.41%	1048
Right to education	65.01%	996
Right to choose an educational institution	64.69%	991
Right to transfer from paid to free tuition	62.27%	954
Right to re-admission	50%	766
Right to accelerated higher education	29.7%	455
Hard to say	13.38%	205
Other (please explain)	0.2%	3

Fig. 1. Students' awareness of their academic rights

More than half (52.42%) of students noted that they were not familiar with the university documents governing the academic rights of students.

A relevant issue is the activity of students in the implementation of their academic rights. The study showed that it is not high. According to the answers, 4.24% of respondents (65 out of 1532 students participating in the survey) used the right to academic leave.

Answers to the question “Have your academic rights been violated?” showed that 7.9% of respondents encountered cases of violation of academic rights. However, comments on the answers suggest that the number of such students is greater. 7.9% included those who realized the violation of rights, since they knew their rights and legal norms for their implementation. A number of students did not know their rights, and therefore did not identify certain situations and actions of university employees as cases of violation of their rights.

Answers to the question “What difficulties did you have with the implementation of your academic rights?” showed that most often difficulties arise in the implementation of the right to receive social support measures (9.07%) and to get certificates and documents (6.07%). Approximately 5% of students encountered difficulties in realizing the right to transfer from another university (5.29%) and to transfer from paid to free tuition (5.03%). Less often, students encounter difficulties in exercising the right to academic leave (2.81%) and the right to transfer when the university is deprived of state license (3.07%). 77.74% of students did not experience difficulties in the implementation of academic rights.

Table 1 shows the opinion of students on the need for improving the implementation of academic rights.

TABLE 1. OPINION OF STUDENTS ON THE NEED FOR IMPROVING THE IMPLEMENTATION OF ACADEMIC RIGHTS

Does the practice of implementation of academic rights need to be improved?	1 year, persons	χ^2 emp.	χ^2 crit.*	4 year, persons	χ^2 emp.	χ^2 crit.*
Yes	18	7.166	5.991	12	9.58	5.991
No	5			6		
Hard to say	13			1		

*at p=0.05

Students proposed the following measures to improve this practice:

- improvement of the regulatory framework;
- involvement of government authorities in the struggle against corruption;
- an increase in the salary of university employees, which will lead to an increase in their competence and quality of work;
- increased awareness; the creation of more advanced sites and electronic sources; information on the labor market and other special opportunities
- lectures, classes on the implementation of academic rights;

- incentives, awards for participation in the life of the university and the implementation of academic rights;
- depends on the students themselves;
- depends on the competence of the university.

IV. CONCLUSION

Thus, the study showed that many students do not know their academic rights, legal norms and documents, in which academic rights are stated, as well as legal norms regulating their implementation. This is due to the fact that not all universities have adopted a local act governing the familiarization of students with the basic documents regulating the organization and implementation of educational activities. Moreover, there is no targeted work to familiarize students with the local acts of the university. This is one of the reasons for students lacking knowledge of their rights and documents governing their implementation. This results in the low activity of students in their implementation. The results obtained indicate the need for organizing focused work with students aimed at increasing their activity in the exercise of academic rights, improving the procedures for informing students about their academic rights both by posting information on stands, on the website, and in the form of oral communication (lectures, explanatory conversations, round tables), legal and psychological counseling.

Based on the results of the study, the following ways are proposed to improve the implementation of academic rights: transition from group to asynchronous learning; the creation of centers for assessing the competencies gained in informal and spontaneous learning; introduction of a system of academic counseling for students on the choice of educational programs, their terms, academic disciplines, teachers, etc.; development, posting on the sites and annual updating of the Codes of conduct, rights and obligations of students; compulsory agreements with students of a state-funded and paid forms with a detailed description of the academic rights, duties and responsibilities of both students and university; attracting students to ensure the quality of education at all stages, from the creation of the educational program to its state and public accreditation; expansion of international partnerships between universities; effective organization of dispute resolution commissions; the organization of a multi-level system for counseling students, teachers and university administration on the implementation of academic rights; the creation of the National Student Association, lobbying for the rights of students and monitoring these rights.

In our recommendations, we used research on the issues of developing student self-government in universities [18, 19]; on the modernization of higher education in the context of the Bologna process [20, 21].

REFERENCES

- 1] Bratanovsky S., Kocherga S. Problems of realization of the rights which are trained for the translation from paid training on budgetary and restoration in higher education institution. State and Law, 2016. vol. 4. pp. 114-117.
- 2] A. A. Kirillovykh Problems of Legal Regulation of Enrollment Recovery Order in Educational Organizations of Higher Education. Journal of Russian Law, 2017.vol. 8. pp. 127-132.
- 3] A. A. Kirillovykh Problems of administrative and legal regime of realization of the right to transfer of students of educational institutions. Legislation and Economics, 2017. vol. 3. pp. 37-43.

- [4] Timofeeva A.A. The problem to realize the civil right to education during its modernization in Russia. Territory of new opportunities. Bulletin of Vladivostok state University of Economics and service, 2015. vol. 2 (29). pp. 47-53.
- [5] Yarovaya, A.O. Basic Rights of Students, the Possibility of Their Realization. *Obshchestvo i pravo = Society and Law*, 2010. vol. 3. No. 30, pp. 72-74.
- [6] Andryushchenko V. A. Protection of the rights of students and pupils. - Moscow: Eksmo, 2005. 224 p.
- [7] Barabanova S. V. Some problems of protection of the rights of participants of educational activity. Yearbook of the Russian educational legislation, 2009. vol. 3. Pp. 16-24.
- [8] Nasonkin V.V., Tkach G.F. General description of the systems of educational legislation in foreign countries at modern stage. *Civil Aviation High Technologies*, 2007. vol. 116.. pp. 13-19
- [9] Veiga, F. H., Carvalho, C., Almeida, A., Taveira, C., Janeiro, I., Baía, S., Caldeira, S. Students' engagement in schools: differentiation and promotion. In M. F. Patrício, L. Sebastião, J. M. Justo, & J. Bonito (Eds.) *Da Exclusão à Excelência: Caminhos Organizacionais para a Qualidade da Educação [From Exclusion to Excellence: Organizational Pathways to Quality Education]*. Montargil: Association of Pluridimensional Education and the Cultural School, 2012, pp. 117-123.
- [10] Skiba, R. J., Eckes, S. E., Brown, K. African American Disproportionality in School Discipline: The Divide Between Best Evidence and Legal Remedy. *New York Law School Law review*, 2009, vol. 10 (59). Pp. 1071-1112.
- [11] Gearan, J. S. When is it ok to tattle? - The need to amend the family educational rights and privacy act. *Suffolk University Law Review*, 39:, pp. 1023-1046.
- [12] White, B. Student rights: From in loco parentis to sine parentibus and back again? Understanding the family educational rights and privacy act in higher education. *Brigham Young University Education & Law Journal*, 2, pp. 321-350.
- [13] Bach, J. J. Students have rights too: The drafting of student conduct codes. *Brigham Young University Education & Law Journal*, 2003. vol. № 1, pp. 1.
- [14] Mawdsley, R. D. Student rights, safety, and codes of conduct. *New Directions for Community Colleges*, 2004. vol. 125, pp. 5-15.
- [15] Zyngier, D. Listening to teachers—listening to students: Substantive conversations about resistance, empowerment and engagement. *Teachers and Teaching: Theory and Practice*, 2007, vol. 13(4), pp. 327–347.
- [16] Gibbs, A. Reconciling rights and responsibilities of colleges and students: Offensive speech, assembly, drug testing and safety. *ERIC Digest*, 1992.
- [17] Ward, T., & Birgden, A. Human Rights and Correctional Clinical Practice. *Aggression and Violent Behavior*, 2007, vol. 12 (6), pp. 628–43.
- [18] Barabanova, S. V. Student self-government as a legal phenomenon. *Law and Education*, 2005. vol. 2. pp. 137-144.
- [19] V. G. Novikov. Self-Governing and Co-Governing as Factors for Development of Social Activities of Students in an Educational Institution. *Regionology*. 2008. vol. 4. Pp. 306-312
- [20] Baidenko V., Selezneva N. Today's round of the bologna process: continued optimism. and a little bit about Russian (Paper 1). *Vysshee Obrazovanie v Rossii*, 2017. vol. 10 (216). pp. 94-108.
- [21] Motova G. Bologna process: 15 years later. *Vysshee Obrazovanie v Rossii*. 2015. № 11. C. 53-65