



Project 530740- TEMPUS-1-2012-1-DK-TEMPUS-
SMGR

Enhancing the University Autonomy in Moldova
(EUniAM)

www.euniam.aau.dk

Evaluation of Existing Situation of Human Resources Autonomy in Moldova

Task force: Cernetchi Olga, SUMP (*Team Leader*)
Mogoreanu Nicolai, TUM
Muravschi- Lişman Aliona, SUM
Sadovei Nicolai, SUM
Teaca Aliona, AESM
Novac Tatiana, SUMP
Sava Turita, AESM
Lazar Angela, USC
Pojar Daniela, USB
Cara Maria, KSU
Babara Elena, SUMP

"This project has been funded with support from the European Commission. This publication reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein."

First draft submitted: June 2013

Revised: April-May 2014

Final draft: June 2014

Chisinau

EXECUTIVE SUMMARY

The aim of the study is to evaluate the current situation of human resource (HR) autonomy in Moldova. HR autonomy is defined as the right of a university to develop and implement its own recruitment, salary and promotion strategies and operating procedures. HR autonomy is supported by the following mechanisms: hiring, monitoring, motivation, and flexibility.

Hiring mechanisms involve developing and implementing unified procedures for hiring academic (teaching and research) and administrative (technical) staff. Monitoring mechanisms involve a periodic and permanent evaluation of academic staff's performance, ensuring healthy competition, personalized accountability and a customized approach to one's work in line with higher education institutions objectives. Motivation mechanisms involve applying clear and non-discriminatory stimulating procedures for academic (and technical) staff, as well as sanctions. Flexibility mechanisms involve setting efficient procedures for determining the optimal number of academic and technical units, and applying employee layoffs as a university development measure.

The scope of the study was extended by analysing the relationship of HR autonomy with five interfaces that characterize the internal and external points of interaction between modern universities and key stakeholders. These interfaces are: Government–University; University Management–University Staff; University Staff–Students; University–Business, and University–Internationalization.

Following a developed research methodology, unobtrusive data in form of laws regulating directly or indirectly the higher education system in Moldova, governmental and ministerial decrees, university chapters and organizational structures, and education records were collected and analysed. A total number of 26 documents have been analysed, adding up to approximately 1500 pages.

The analysis of the current situation of HR autonomy in higher education suggests that the involvement of the state in regulating HR activities in universities is quite high, where largely laws and regulations governing labour relations are of general nature (and outdated), without taking into account the specifics of activities within universities.

The introduction of financial autonomy in January 2013 had a snowball effect on HR autonomy: universities became more autonomous in terms of establishing own HR policies and regulations. Universities began adjusting their HR policies and regulations to new realities by developing and implementing new payment/salary mechanisms, incl. new performance indicators. In this regard, data suggest that universities are very limited in deciding on the levels of remuneration, although there is flexibility in setting the incentive payments and payments for awards.

Data further suggest that there is a lack of basic indicators for wage differentiation and of performance indicators based on well-defined and transparent criteria such as professionalism, continuous development, and organizational, functional and personal capacity. This deficiency also has an impact on the autonomy to decide on the termination of employment

contracts. Separate hire for teaching and research adds to the complexity of academic staff evaluation.

The lack of well-defined and transparent performance indicators has also an impact on the relationship between the academic staff and the students. How do students evaluate staff, based on what criteria? And how are the evaluation results are taken into account by the university management and what actions are taken to enhance or address the situation? Data suggest that these are still burning questions that are yet to be answered.

Contents

1. INTRODUCTION	1
1.1. Purpose	1
1.2. Definitions	1
1.3. Methodology	3
1.4. Report structure	3
2. METHODOLOGY	4
2.1. Introduction	4
2.2. Data collection.....	4
2.3. Data analysis.....	5
2.4. Conclusion.....	10
3. UNDERSTANDING HUMAN RESOURCE AUTONOMY	11
3.1. Introduction	11
3.2. The Liberty of the universities to decide on recruitment procedures	11
3.3. The Liberty to decide on promoting the employees	15
3.4. The liberty to decide on Labour norming	16
3.5. The Liberty to decide on the remuneration system	17
3.6. The Liberty to decide on the termination of the employment contracts	19
3.7. Conclusion.....	20
4. INTERFACES OF HUMAN RESOURCES AUTONOMY AND INSTITUTIONAL AUTONOMY	22
4.1. Introduction	22
4.2. Government – University Interface	22
4.3. University – Staff Interface.	25
4.4. Employees – Students Interface	28
4.5. University – Business Interface.....	29
4.6. University - Internationalization Interface	32
4.7. Conclusion.....	35
5. CONCLUSION AND NEXT STEPS	37
REFERENCES	38
APPENDIXES	40

List of Tables

Table 1: Understanding of Human Resources autonomy in the Republic of Moldova.....	6
Table 2: Relationship between Human Resource autonomy and academic interfaces	8
Table 3: Distribution of working time for the teaching staff.....	17

List of Appendixes

Appendix 1: Data sources.....	40
Appendix 2: Data collection method - Human Resources Autonomy	42

1. INTRODUCTION

1.1. Purpose

The goal of the conducted research was to assess the current situation regarding the human resources component of university autonomy in the Republic of Moldova. The research objectives were to identify the various problems that exist at present in Moldova in the human resources component of universities in terms of relations between Government and University (Interface I), management and human resources (Interface II), human resources and students (Interface III), University and businesses (Interface IV), University and internationalization (Interface V).

1.2. Definitions

In order to clarify the notion of human resource autonomy in the context of university autonomy, it is necessary to define the concept of autonomy, which literally means “the right to govern by own laws” (as per the Petit Robert dictionary), “self-government” (Oxford Advanced Learners Dictionary), “government with its own laws” (Devoto Oli “Dizionario della lingua italiana”). Moreover, as Kant had noted, “autonomy” is made of “auto” and “nomos” – which means “to live by your own laws”. This understanding of autonomy is found in international laws and declarations such as the Declaration of Rights and Duties Inherent in Academic Freedom (Siena, 1982), The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education (1988), The Magna Charta of European Universities (Bologna, 1988), The Dar es Salaam Declaration (1990), and The Kampala Declaration (1990). The Lima Declaration states that “Autonomy means the independence of higher education institutions from the state and all other forces of society, in making decisions on internal governance, finance, management, and in determining their own policies on education, scientific research, services and other activities” (Academic Freedom and University Autonomy, p. 53). As the universal experience shows, the public responsibility can be fully achieved only in conditions of full autonomy, as there is no responsibility where there is no decision-making freedom. Certainly, is not easy to obtain “university autonomy” (it implies vision, managerial competence, entrepreneurship, the ability to reach a consensus, concern for the integration of diversity, etc.), but it is still an indispensable value of the civilized world.

The Declaration of European Universities (2007) identifies four areas that characterize a modern university, including **human resource autonomy**, which implies the liberty of the university to recruit and select qualified human resources, responsibility for contracting work, and setting wages and salary increases based on the value of human potential.

University autonomy in the human resource area represents the right of the university community to establish its own institutional strategy for organizing and managing the human resources of the university by promoting educational and research priorities, institutional flexibility and the security of work relations, in accordance with the law. *University autonomy in the human resource area* is produced through its own employment, monitoring, motivation, and flexibility mechanisms.

Staff hiring mechanisms involve developing and implementing unified procedures for hiring scientific-teaching, research and administrative (technical) staff, specific to the given university, within the limits established by law.

Staff monitoring mechanisms involve an integrative approach to academic staff activities through periodic and permanent evaluations, ensuring healthy competition, personalized accountability and a customized approach to one's work in line with higher education institutions objectives.

Staff motivation mechanisms involve the application of clear and non-discriminatory procedures for encouraging academic staff, as well as the application of sanctions, within the limits set by law, focused on the personal responsibility of each employee of the University.

Staff flexibility mechanisms involve setting efficient procedures for determining the optimal number of teaching-scientific, research and administrative (technical) units, and applying employee layoffs as a university development measure.

The development of some relevant strategies in the field of human resources. In this context, these strategies should be based on the axiom that human resources are the main and prospective resource of higher education. They determine decisively the action potential. The achievement of the action assumed by any institution of higher education in the Republic of Moldova depends essentially on the quality and on the effort of all staff, on the way they make the selection and the promotion.

Promoting equality and diversity assumes that any institution of higher education is guided by the fundamental principles of regulating employment relationships and those directly related to them, which guarantee the equality of rights and opportunities for employees, ensuring equality of employees without any discrimination, getting promoted taking into account labour productivity, qualifications and work experience in the specialty; ensuring the right of every employee to fair working conditions, including working conditions that follow the requirements for health and safety at work and the right to rest, including the regulation of working time, the granting of annual leave, daily rest breaks, days off and non-working holidays; prohibiting discrimination in employment relationships.

Ensuring adequate training and development opportunities, including management and leadership. It involves ensuring equality for employees regarding training, refresher courses and improvement.

Establishing some procedures for management communication and collective bargaining, which include ensuring the right of employees and employers in association to defend their rights and interests, including the right of employees to join trade unions and to be trade union members; ensuring the right of employees to participate in the management of institutions of higher education in the forms prescribed by law (Faculty Board, Senate); ensuring the right of trade unions to exercise public control over compliance with labour laws.

The development of planning the required personnel. It consists in occupying all positions currently available in the quantity required and necessary in order to avoid certain problems, such as lack of personnel for specific skills important at a time.

Supporting change management is a process that would allow institutions of higher education to modify any part of its structure so as to cope effectively in a constantly changing environment. This process includes activities aimed at ensuring management support concerning changes that are necessary and useful for the institution of higher education. The goal is to manage possible changes, while maintaining high standards of educational quality.

In addition to the above, we extend the definition of human resources autonomy by analysing its relationship with five interfaces that characterize external and internal points of interactions between modern universities and their key stakeholders. These interfaces are: government – university; university – staff; faculty – students; university – businesses; and university – internationalization.

1.3. Methodology

To achieve the above aim, we conducted a desk-top research. We collected and analysed secondary data derived from laws that directly or indirectly regulate higher education system in Moldova, governmental and ministerial decrees, state and private university charters, as well as university internal organizational and academic structures. The list of reviewed data is presented in Appendix 1. In the process of data collection we followed the generic draft methodology designed by the EUniAM team (Appendix 2). Data was collected and analysed by a team of ten.

1.4. Report structure

Following this introduction, Chapter 2 describes the research methodology used in this study. Chapter 3 presents the results and discusses the level of financial autonomy which is now manifested and regulated in Moldovan universities. Chapter 4 analyses and interprets these findings in relation to the five interfaces identified. Chapter 5 concludes the report.

2. METHODOLOGY

2.1. Introduction

This chapter describes the research methodology that we have employed in order to achieve the aim of the report that is to analyse the degree to which human resources autonomy is currently manifested and regulated in Moldovan universities, both state and private. We proceed in this Chapter by describing the type and sources of data we collected, then by describing how these data were analysed.

2.2. Data collection

We conducted a desktop research, collecting secondary data derived from laws that directly or indirectly regulate higher education system in Moldova, governmental and ministerial decrees, state and private university charters, as well as university internal organizational and academic structures. In addition to external, governmental and ministerial data, we have collected data internally from 5-6 state universities: the State University of Moldova, the State University of Medicine and Pharmacy "Nicolae Testemițanu", the Technical University of Moldova, the Academy of Economic Studies of Moldova and Balti State University "Alecă Russo". We chose these universities for the following reasons: the first four are the largest and oldest institutions in the country, and the last educational institution is the largest regional institution of higher education. While collecting the data the legal acts of the institutions of higher education have been consulted. We have selected these universities based on the following criteria: the size and the length of their activity.

We have reviewed and analysed 26 documents, adding up to approximately 1500 pages overall. The list of reviewed data is presented in Appendix 1. The electronic copies of reviewed material from Appendix 1 are available on the project intranet: <http://euniam-moodle.samf.aau.dk/>. In the process of data collection we followed the generic draft methodology designed by the EUniAM team (Appendix 2).

We created a single database for all members of the working group, comprised of several working folders, including:

- International law – all international acts (declarations, pacts, treaties) with reference to the HR component of university autonomy.
- National law – all laws, government decisions, and regulations with regard to the HR component of university autonomy.
- Internal documents of some universities, such as the State University of Moldova, further SUM, the State University of Medicine and Pharmacy "Nicolae Testemițanu", further SUMP, the Technical University of Moldova, further TUM, Academy of Economic Studies of Moldova further AESM and Alecu Russo Balti state University, further ARBSU – statutes (charters), internal regulations, code of ethics, certification regulations, and other internal documents prepared and approved by each institution.

- Internal documents of other higher education institutions.
- The data was selected based on the criterion that each team member was named responsible for establishing and giving an account of the facts related to one single interface of the five identified.

2.3. Data analysis

Our team first reviewed the identified external (governmental and ministerial) and internal (university) documents (see Appendix 1), aiming to distil the properties and indicators of human resources autonomy embedded implicitly in these documents. In this within-case analysis, we built on properties and indicators of human resources autonomy as defined by Declaration of European Universities (2007), as well as defined in the generic draft methodology. Through brain-storming during the analysis faze, we also extended this list (Table 1).

Our next step after understanding how human resources autonomy is manifested and regulated in Moldova was to conduct a cross-case analysis, i.e., to analyse the potential impact human resources autonomy might have on the identified five interfaces that are part of the institutional autonomy of universities, namely: government – university; university – faculty; faculty – students; university – businesses; and university – internationalization. The potential relationships and respective impacts are presented in Table 2.

Table 1: Understanding of Human Resources autonomy in the Republic of Moldova

Properties / indicators	Source (title and quote source)	Comments / Description
Liberty of universities to decide on the procedures for recruitment / employment	The Labour Code of the Republic of Moldova, adopted by the Moldovan Parliament by Law No. 154-XV of 28.03.2003; The Code on Science and Innovation of the Republic of Moldova no. 259 of 15.07.2004; The Education Law no. 547 of 21.07.1995; The Government Decision no. 854 of 21.09.2010 on approval of the Regulation on the way of filling in the teacher positions in higher education institutions	Recruitment procedures shall be governed by the normative acts very restrictively, especially, in terms of academic positions. No higher education institution cannot employ academic personnel except respecting stipulations of Regulation, institutions having the right to establish only additional conditions related to professional qualities of potential employee
Liberty of universities decide on the promotion of employees	The Labour Code of the Republic of Moldova, adopted by the Moldovan Parliament by Law No. 154-XV of 28.03.2003; The Government Decision no. 854 of 21.09.2010 on approval of the Regulation on the way of filling in the teacher positions in higher education institutions Code on Science and Innovation of the Republic of Moldova no. 259 of 15.07.2004;	Basically, the higher education institutions have the right to decide on promoting employees as respecting the laws in force. In this sense we consider Regulations on the way of filling in the teacher positions in higher education
The Liberty to decide on labour norming	The Labour Code of the Republic of Moldova, adopted by the Moldovan Parliament by Law No. 154-XV of 28.03.2003; Law on Salaries in the budgetary sector no. 355 of 25.12.2005; Government Decision no. 381 of 13.04.2006 on the conditions of employment of the staff of budgetary units; Government Decision no. 195 of 13.03.2013 on the conditions of employment of the staff of state institutions of higher education with financial autonomy.	Position monthly salaries of the teachers in higher education institutions in Moldova are set for 148 hours per month, based on reduced working week of 35 hours, and it is applicable without changing the duties norms of the teacher. The distribution of working time for teachers is done according to ministerial orders of the 90s.
The Liberty to decide on the remuneration	The Labour Code of the Republic of Moldova, adopted by the Moldovan Parliament by Law No. 154-XV of 28.03.2003; Law on Salaries in the budgetary	Higher education institutions are very limited in this regard; Function salaries are set in strict accordance with the law, without any exceptions to the law. There is a certain freedom in fixing of

Properties / indicators	Source (title and quote source)	Comments / Description
The Liberty to decide on the termination of employment contracts	<p>sector no. 355 of 25.12.2005; Government Decision no. 381 of 13.04.2006 on the conditions of employment of the staff of budgetary units; Government Decision no. 195 of 13.03.2013 on the conditions of employment of the staff of state institutions of higher education with financial autonomy.</p> <p>The Labour Code of the Republic of Moldova, adopted by the Moldovan Parliament by Law No. 154-XV of 28.03.2003; The Government Decision no. 854 of 21.09.2010 on approval of the Regulation on the way of filling in the teacher positions in higher education; The Government Decision no. 854 of 21.09.2010 on approval of the Regulation on the way of filling in the teacher positions in higher education;</p>	<p>incentive payments, and awards for achievements in work, the size of which is not limited.</p> <p>According to the Labour Code of the Republic of Moldova, individual employment contracts, including concluded with the staff working in higher education institutions may be terminated: a) in circumstances that do not depend on the will of the parties (Article 82, 305 and 310 of the Code); b) at the initiative of one of the parties (Article 85 and 86 of the Labour Code).</p> <p>Termination of the individual employment contract is legalized by the rector's order. Order of the rector on individual employment termination shall be notified to the employee under signature. On the day release of the employee from work the higher education institution is obliged to return the employment record made in the manner set enrolment on individual employment termination reasons and to make payment of all amounts due to him employee.</p> <p>Registrations on individual reasons for termination of employment shall be made in strict accordance with the legislation in force, indicating the article, paragraph, point, and the corresponding letter of the law. Termination of the individual labour contract day shall be considered the employee's last day of work</p>

Table 2: Relationship between Human Resource autonomy and academic interfaces

Interface	Relationship (incl., quotes)	Impact
Government - University	The Labour Code regulates the fundamental principles of labour law, making a minor reference to labour relations in higher education institutions	The Labour Code of the Republic of Moldova, adopted by the Parliament by Law No. 154-XV of 28.03.2003, first published in Official Monitor of the Republic of Moldova No. 159-162/648 of 29.07.2003, is the framework law in labour relations, being mandatory for all employees and employers who works in the Republic of Moldova. These stipulations have an impact inclusively on employers-higher education institutions that is why the hierarchically superior body/the founder-the competent ministry must take care that all normative acts containing norms of labour law to be consistent with the stipulations of the Labour Code.
Management -Employees	The Labour Code, the Education Law no. 547 of 21.07.1995, the Government Decision no. 854 of 21.09.2010 on the approval of the Regulation on the way of filling in the teacher positions in higher education institutions.	<p>Proceeding from stipulations of legislation in force of the universities, the employees are not public officers. The Labour Code stipulates the legal procedure of their employment and dismissal. According to Labour Code stipulations, the staff dismissal in relation to the staff reducing is possible only when proceeding from particular legal and economic well-reasoned arguments of the university. Legal means of dismissal is expressly governed by Articles 88, 183 of the Labour Code of the Republic of Moldova. A specific stipulation for educational institutions is regulated in Article 86 lit. M) - the Labour Code of the Republic of Moldova - committing by an employee who fulfils the educational positions of immoral deeds incompatible with his position. In order to apply this stipulation, educational institutions have drawn up and approved the moral or the ethical code of the institution that expressly stipulate the methodology of stating immoral deeds. There are certain situations when the moral limit in activity is difficult to be found, proceeding from the lack of eloquent evidence when students submit petitions without indicating expressly the petitioner (anonymous) being afraid of not being revenged. Or another situation, when referring to taking bribes, which can be identified only by law enforcement authorities, but these actions equally may be considered immoral.</p> <p>Another legal regulation referring to the dismissal of employees of educational institutions is specified in the art. 86 letter e) – stating the fact that the employee does not correspond to the held position or performed work as a result of insufficient qualification confirmed by the decision of the Board of Attestation. In this case, universities are free to draw up and approve the Regulation on attestation, where is stipulated the attestation procedure, the criteria, the competence.</p>
Employees – Students	The organization Regulation of higher education studies based	Student self-government is one of the 10 principles of the Bologna Declaration Process. Every university in the country has student organizations that represent the interests of all students and the

Interface	Relationship (incl., quotes)	Impact
	on SNCS	<p>studious youth.</p> <p>Though having different names, the principles of activity actually are identical. Such organizations can be: Students and Residents Association of the State University of Medicine and Pharmacy "Nicolae Testemițanu" which represents the interests of all students and residents of this university; Student Syndical Committee of Technical University of Moldova which has 125 active students; Student Senate of State Pedagogical University "Ion Creanga" which has 25 students; Student Senate of Academy of Economic Studies of Moldova has 51 members; Student Senate of USARB.</p> <p>The goals of these organizations are to stimulate students' participation in student activity, in making decisions and in implementing them within the universities, to foster dialogue between students, teachers, faculty management, Universities administration and other institutions that activate in the fields of youth and education.</p>
University - Business	Education Law no. 547 of 21.07.1995	<p>Business representatives' involvement in the teaching process can bring significant benefits for the university - the content of the teaching process conducted by representatives of the business becomes more attractive as it reflects a practical use.</p> <p>In joint projects (university-business) didactic-scientific activity of the University with full autonomy will become more attractive and those involved will benefit from: use of their intellectual potential and skills improvement; university will become better known in the business environment and more attractive for graduating students; universities will benefit from additional financial support, which will develop and enhance the teaching staff and research; the development and refining of its material basis, of teaching and research processes; internship position for students</p>
University-Internationalisation	The Law on the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Moldova No. 275 of 10.11.1994; Regulation on the mobility of students and teachers in higher education institutions	<p>The participation in international projects enables employees of higher education institutions to familiarize themselves with visions of the person in charge for the European Higher Education Area, to share their experiences and to disseminate good practices acquired. Simultaneously, an increased attention is given not only to the problems the higher education faces in our country, but also to their solving strategies. The importance of the university internationalization interface analysis is enhanced by the academic practice to implement projects funded by Tempus, Erasmus-Mundus, AUF, UNESCO, Pestalozzi, DAAD, Fulbright EDMUND S. Muskie, CEEPUS FP7 programmes.</p>

2.4. Conclusion

In this chapter we presented the research methodology that we employed in order to achieve the aim of the study. We have collected and analysed secondary data derived from governmental and ministerial documents as well as from internal documents of 5-6 state universities. We have conducted within- and cross-case analysis of human resources autonomy. Next Chapter – Chapter 3 – will discuss the findings that emerged during within-case analysis (Table 1). Chapter 4 in turn will discuss the findings that emerged from the cross-case analysis (Table 2) of human resources autonomy and five interfaces of instructional autonomy of universities.

3. UNDERSTANDING HUMAN RESOURCE AUTONOMY

3.1. Introduction

In this chapter we aim to distil and discuss about the properties and the indicators of human resources autonomy embedded in the context of higher education in Moldova. Having analysed a number of governmental and ministerial documents as well as internal documents from selected universities (Appendix 1), we have developed a comprehensive view – framework – of the degree to which human resources autonomy is currently manifested and regulated in the Moldovan higher education sector (Table 1). The discussion in this chapter will be around this emerging framework and backed up by a number of vignettes (cases) that will exemplify critical points in the discussion.

3.2. The Liberty of the universities to decide on recruitment procedures

Higher education institutions (universities, academies, institutes) are public institutions within the education system in Moldova, subordinated to the Ministry of Education and operate under the Constitution of the Republic of Moldova, Law on Education, legislation in effect, international agreements and conventions signed by the Republic of Moldova, as well as its own regulations and decisions, including the status of the institution – University Charter. Within a higher education institution (e.g. USARB) activate the following categories of employees:

1. *Managing staff* – rector, vice-rectors, deans, department chairs, director and deputy directors of the Pedagogical College "Ion Creanga", director and deputy directors of the University Scientific Library, administrative heads of the university, scientific secretary of the University Senate.
2. *Teaching staff* – assistant professors, lecturers, senior lecturers, professors and associate professors, and teachers from middle / secondary special institutions affiliated to the University.
3. *Research staff* – coordinating scientific researcher, trainee researcher, main researcher, researcher, senior researcher, invited researcher, scientific consultant.
4. *Staff with complex functions in the field of education:*
 - auxiliary didactic staff – librarians, bibliography workers, lab workers, engineers, computer scientists of various specialties;
 - administrative staff – secretaries, archive workers, accountants, HR and economic planning department staff, housing heads, engineers, management staff in the field of catering (student canteen), administrative and study buildings intendants;
 - auxiliary and service staff – workers of various skills, guards, cooks, bakers, service personnel of housing and study buildings, room and grounds keepers, drivers, etc.

This reference to the categories of staff is not expressly established in any normative act/regulations, it is just a division of the categories of staff that is encountered in the normative acts/regulations that establish the conditions for the wage in higher education

institutions and public law organizations in the field of science and innovation as well as in the Classifier of Occupations in Moldova. In this context, we are facing a total lack of staff autonomy, the managers of higher education institutions are forced to draw up the staff taking into account these limited positions, which often do not correspond to the needs of the institution and the stipulations of the employee's job description give distinct position from the one the employee activates. For example the Government Decision no. 381 of 13.04.2006 on the conditions of staff remuneration of the budgetary institutions does not contain positions that can be attributed the executive staff of the Quality Management Departments, International Relations Department, Informational Technologies Department. In this sense, the managers of higher education institutions try to adjust some staff categories, which work within the institutions, lowering the stipulations of normative acts in force to the social realities and drawing up some detailed job descriptions.

Management staff positions (rector, vice-rectors, deans, vice-deans, head of studies, department chairs) in higher education institutions can be occupied according to the *Regulations for occupying management positions and electing governing bodies in higher education institutions in Moldova* (approved by the Decision of the Ministry of Education No.2 / 1 from 28.10.2011).

The rector is elected on a competitive basis by the institution's Senate and confirmed by the Government. Rector elections are regulated by the Regulations issued by the Ministry of Education and approved by the Government Decision No. 112 of 28 February 1996. At the moment this procedure is in force. The Regulation establishes both the conditions, which the potential candidate for the position of rector should satisfy and the way the elections take place.

Vice-rectors and *heads of studies* are appointed and dismissed by the rector, through an order, with the agreement of the Ministry of Education and relevant ministries. This is a total lack of autonomy as the rector being the head and the employer of education institution should have the right to select its own management team, free from any interference from the authorities.

According to the Art.297 (2) of the Labour Code of the Republic of Moldova and the before mentioned Regulation, *dean* and *department chair* positions are elected and can be filled on a competitive basis for a period of 5 years. In accordance with the regulatory frameworks of the higher education institution's departments and chairs, approved by the Ministry of Education Order No. ME. 671 of 06.08.2010, dean and head of the department positions are considered additional work to the basic teaching positions. For this reason, art. 104, paragraph 1 of the Labour Code of the Republic of Moldova establishes a salary increase in the amount of 25% for deans and 10-20% for department chairs. Requirements for these positions are: to be a citizen of the Republic of Moldova, to possess a teaching science degree and title in the field, to know the state language, to submit an activity program for the appropriate unit (it represents an operational plan for a period of 5 years, which will describe certain goals and actions to be undertaken in order to achieve the

desired objectives. The guideline of this plan is required to be taken from the institution development Strategy), to be below the retirement age.

Deans may have deputies in subordination, depending on the number of students in the department. The position of vice-dean is also considered as additional work to the main teaching position, according to article 104 (1) of the Labour Code. Typically, for full-time studies, the vice-dean unit is granted when the number of students is over 500. If the quota of students is more than 800, then a second vice-dean is granted. For part-time study, the vice-dean unit is granted if the number of students exceeds 500. Vice-dean positions can be occupied by persons holding scientific-teaching titles. Vice-deans are appointed and dismissed by order of the Rector upon the dean's proposal. Usually, a newly elected dean comes with his team, inclusively with a new deputy dean. The position of deputy dean is a managerial position to the basic didactic one, in case of the dismissal from the position of deputy dean; the employee does not remain without job, and only without a managerial function.

Academic staff may occupy academic positions in higher education institutions as stated in Art.297 (1) of the Labour Code of the Republic of Moldova and the *Regulations for occupying academic positions in higher education institutions*, approved by Government Decision No. 854 of 21.09.2010.

According to the regulations, teaching positions (assistant professor, lecturer, senior university lecturer, associate professor, professor) are filled in on a competitive basis. There are certain requirements for each teaching position (bachelor's or master's degree, scientific degree, didactic and scientific title, scientific publications, methodological and didactic, didactic and scientific activity seniority, etc.). The person passing the contest is hired under an *individual employment contract* for a period of 5 years. Duties of teachers are set out in the *job description* approved by the rector of the institution, which is attached to the employment contract.

Another category of staff in higher education institutions is the **scientific staff**, usually employed under work contracts in research projects. These projects are acquired under a Financing Contract between the Academy of Sciences of Moldova and the educational institution. They are remunerated in accordance with the Governmental Decision no. 47 of 12.01.2007 on the employees' remuneration from public law organizations in the field of science and innovation financed by the state budget.

Instructional-auxiliary, administrative and household staff is employed based on the *Qualification requirements for payroll categories for complex specialties staff from state-funded institutions and organizations*, developed according to Government Decision No. 154 of 29.03.1994. This legislation, which should be renewed, includes qualification requirements for technical managers, professionals (dispatcher, tester, commodities expert, surveyor, accountant, etc.) and executors – specific functions for all branches of the budgetary sphere. When employing such staff we experience a shortage of legislative regulations, the only source being used is outdated books (Финансирование науки и подготовки кадров, Москва - 1981 Высшая школа, Москва - 1978).

All personnel categories mentioned above are employed and managed by the university within the legal framework and the job title list. The job title list shall be provided annually and may change during the academic year. Academic positions and the number of positions are established considering the study plans, study formations, and university norms. Job title lists are developed at the level of departments, chairs, services, and are then verified by the appropriate services, approved by the management and coordinated with the Ministry of Education. Personnel structure is a university prerogative and it is not validated by an external quality control agency. At present, there is no regulation that would describe the order in which the job title list should be developed: preparation, establishment, verification, approval, coordination, etc.

After a description of the requirements for hiring staff, we would like to further refer to some aspects of the universities' activity, namely: freedom of professors, corruption in the university, and the expected positive consequences of university autonomy.

Referring to the limitations to a professor's freedom, expressed in the university internal regulatory documents, we can notice that the professor has the right to:

- select her own study programs, teaching form and methods, textbooks and teaching materials approved by the Ministry of Education, as she sees appropriate for the achievement of state education standards;
- to participate in the continuous improvement of study plans and analytic programs, textbook development, methodical works, and to conduct scientific research;
- to express freely and openly her scientific and professional opinion and to suggest standards for knowledge validation;
- to contest any decision of a governing body or person from the institution, in a hierarchical fashion in courts of law, if she feels that her rights and freedoms are being violated;
- to be granted leave of up to three months, maintaining wage, for textbook development, methodical works, monographs at the request of the Ministry of Education;
- to be granted leave, with or without wage, to finalize the PhD thesis and a creative leave of up to two months, keeping the wage established by law, in order to complete the thesis of doctor habilitate;
- To undergo a qualification increase method once in every five years.
- Academic and scientific staff has equal rights in the field of teaching and scientific activity and can work concurrently within legal limits.

The approach encourages critical intellectual partnership and cooperation regardless of political or religious beliefs. All teachers have the right to personal autonomy and privacy in matters within their personal lives. At the same time, personal autonomy should not touch the rights and freedoms of other persons in the same environment, and the right of the university to the public image accurate. Violation of personal autonomy and privacy by those responsible for ensuring it is sanctioned disciplinary, civil or criminal depending on the seriousness of the offense.

A critical approach, intellectual partnership and cooperation regardless of political or religious beliefs are encouraged. All professors have the right to personal autonomy and personal life privacy. At the same time, personal autonomy should not touch the rights and freedoms of other persons in the same environment and the right of the university to an accurate public image. Violation of personal autonomy and privacy by those responsible for ensuring it is sanctioned disciplinary, by civil or criminal regulations, depending on the seriousness of the offense.

In addition to professional freedom, professors and institution employees have rights and obligations stipulated in the Code of University Ethics, internal regulations, the individual work contract, and the current legislation. A main component of the university ethics and a moral obligation of each employee is to prevent and eradicate potential corruption in the university sphere, as corruption generates unfair treatment, injustices and favouritisms, creates suspicions and lack of trust in the value of diplomas and the professional competence of graduates. Corruption cases and the forms of university corruption, including corruption attempts are sanctioned by law and/or institutionally, depending on the severity of the offense, from warnings to exclusion from the institution.

3.3. The Liberty to decide on promoting the employees

Case study: The *Regulations for occupying academic positions in higher education institutions* state that “teaching positions shall be filled on a competitive basis”. However, the academic year begins on 1 September and teachers must be already hired to begin the process of education. Under the terms of the regulation, the competition should be announced in July, the application period lasts for a month, then there should be open lectures, department meetings, etc. It should be noted that it is not possible to fulfil this requirement, because in this period teachers are on vacation and students are on a break. Consequently, so as not to disrupt the educational process, teachers are initially employed in their position before the official contest. It is a practice used in all higher education institutions in Moldova, but this resolute condition leads to different interpretations from the part of the teachers who concluded an individual contract affected by such a condition and implicitly to labour disputes. In order to avoid such situations it is better for the institution to draw up a calendar of contests, for example: two times a year, in autumn and spring, everyone who has the individual employment contract expired should participate in the contest till the dead line. Those who do not satisfy the requirements would conclude the employment contract for 1 academic year.

Case study: Under section 5 of the aforementioned *Regulation*, *the decision to announce the contest is made three months in advance*, which contradicts the current legislation that does not allow announcing contests for positions that are still filled. The contest deadlines for professors are different (depending on department board meetings, Senate meetings), and department board and Senate meetings cannot take place at the earliest opportunity.

Given the above, the contest is conducted 2 times per year, and three months before the expiry of the selection deadline, professors are informed about the expiration of the contractual deadline. For those for whom the contract term expired, the labour activity will

be extended until a new contest is announced. The periodicity of the contest differs from one institution to another, depending on the specific institution, its category, etc.

An analysis of the given regulations can reveal several shortcomings. According to pt. 28, *the person who does not hold the title of associate university professor or university professor should submit to the National Council for Accreditation and Attestation the documents required to obtain this title after at least one year of having occupied the position as interim. If within four years, the person does not get the title of associate professor or professor, she cannot longer be eligible for that position.* This point can be interpreted in many ways: can this person never be eligible again? Or can she apply for the position of senior lecturer (and thus associate), and then after a while she may apply again for positions listed in section .28 (and what would this period of time be)? We consider that in such situations, the decision should be up to the Senates, because each person who did not manage to fall within those 5 years had distinct reasons, illness ones or others.

Chapter II, point 10, b) states that *the position of senior lecturer is open to candidates having experience of at least 5 years of teaching in the field of science*, which is wrong since the work in science can only be scientific.

3.4. The liberty to decide on Labour norming

All personnel categories mentioned above are employed and managed by the university within the legal framework and the job title list. The job title list shall be provided annually and may change during the academic year. Until 1 January 2013, the staff of the higher education institution was submitted to the Ministry of Education, but at present only to the University Senate and to the Labour Inspectorate. The presentation of staff Labour Inspectorate is mandatory for all entities in Republic of Moldova.

Academic positions and the number of positions are established considering the study plans, study formations, and university norms. Job title lists are developed at the level of departments, chairs, services, and are then verified by the appropriate services, approved by the management and coordinated with the Ministry of Education. Personnel structure is a university prerogative and it is not validated by an external quality control agency. At present, there is no regulation that would describe the order in which the job title list should be developed: preparation, establishment, verification, approval, coordination, etc.

The distribution of working time for the teaching staff is achieved according to the following chart:

Table 3: Distribution of working time for the teaching staff

No	Position	Didactic activity according to the schedule			Individual work with students	Total number of hours (col.5+ col.6)	Research and methodical activity	Total hours per year (col.7+ col.8)
		Hours/ week	Hour/ lectures	Hours /year				
1	2	3	4	5	6	7	8	9
1	University professor	8-10	4-5	380	220	600	880	1480
2	Associate Professor	10-12	4-5	470	210	680	800	1480
3	Senior Lecturer	12-14	3-4	560	160	720	760	1480
4	University Lecturer, University assistant	14-16	-	640	110	750	730	1480
Didactic staff of certain departments								
5	Foreign languages	-	-	-	-	750	730	1480
6	Physical training	-	-	-	-	800	680	1480
7	Arts and artistic education	-	-	-	-	800	680	1480

3.5. The Liberty to decide on the remuneration system

The remuneration in higher education institutions is implemented in accordance with Chapter III of the Labour Code of the Republic of Moldova No. 154-XV of 28.03.2003, Art. 20 - 21 of Remuneration Law no.847-XV of 14.02.2002, Law on remuneration/salary system in the public sector no. 355-XVI dated 23.12.2005, Government Decision on the conditions of remuneration of the staff of state higher education institutions with financial autonomy no. 195 of 13.03.2013, Government Decision approving the Regulation on the Norming organization of the work in the national economy branches 98 of 2.4.2013, other normative acts/legal acts in force which determine the economic, legal and organizational principles of labour remuneration.

The total salary of employees of higher education institutions for monthly activity, during normal working hours established by law, according to the tasks and duties of the job description, consists of:

- a) The fixed part, consisting of:
- the main salary;

- the pay rise for work experience, calculated in percentage to main salary based on the following sizes:

Work experience	Pay rise size in% according to the main salary
between 2 and 5 years	- 10
between 5 and 10 years	- 15
between 10 and 15 years	- 20
between 15 and 20 years	- 25
over 20 years	- 30

- pay rise for scientific degree or for the scientific and didactic title which is granted in proportion to the time worked within the limits of the normal daily duration of the working time or didactic loads, and it is not increased for part-time work out of the office hours in the amount of 700 lei for the scientific degree of doctor habilitate and / or for the scientific and didactic title of university professor, and, respectively, 300 lei for the PhD degree and / or of the scientific and didactic title of associate professor;
- pay rise for the work performed in adverse conditions, as applicable, is determined according to the evaluation results of the jobs and it is applied in the following way: to the workers – for the real duration of the work performed, and to other workers – for permanent employment (for at least 50 percent of the normal daily working time);
- pay rise for honorific title " Artist al Poporului " and "Maestro in Arts" - 200 lei), and persons with the honorific title "Emeritus", "Mester Faur" and "Maestro of Literature" - in the amount of 100 lei;
- pay rise for using foreign languages (except of Russian) in the performance of the position, can be established for employees (excepting interpreters, translators, guides-translators and foreign languages teachers) for speaking foreign languages and their daily application in practice.
- pay rises can be established in the amount of up to 15 percent of the main salary for speaking a foreign language and up to 25 percent for speaking two or more languages;
- Pay rise payment in the amount of 5 percent of the monthly salary of the teaching staff for student groups leadership.

b) The variable part that may consist of:

- Pay rise to the main salary for high efficiency in work, the labour intensity, and the execution of certain work of particular relevance or urgency, while carrying them out. The pay rises are set for one year and may be reduced or cancelled when the quality of the work gets worse or the labour discipline is broken;
- pay rise for performance
- pay rise for extending the service area or the increasing the volume of work performed;

- supplement for executing additional services to the core work and duties of a worker who is temporary missing;
- supplement for hours worked during the night-time;
- supplement for leading a team;
- Pay rise for complying the confidentiality clause which can be withdrawn if the targeted employee does not honour his obligation.

The Employees in higher education institutions can benefit from supplement payment for cumulated work. Supplements for cumulating of occupations or positions during working hours are established within the economic means of the payroll which consist of tariff salaries or main salaries of dismissed workers. The cumulating supplement payment amount cannot exceed the salary (the salary of the main position) established for the cumulated profession (position). When cumulating the profession or the position by more employees, the supplement payment amount is determined proportionally to the volume of the work executed by each of them, within the tariff wage or salary established for the cumulated profession (position). The cumulated profession list is not limited. The cumulating of functions is not allowed during working hours to administrative and academic staff.

In conclusion we can state that this segment of higher education institutions has a relative autonomy. There is the main salary (position), which cannot be modified (before the entry into force of the GD no. 195 of 13.03.2013 on the conditions of employment of the staff of higher education institutions with a financially autonomous state), but the head of the institution is authorized to establish different pay rises and supplements to the main salaries for certain merits and taking into account the performances of each employee. The institutions are free to adopt their own internal regulations on the payroll system.

3.6. The Liberty to decide on the termination of the employment contracts

According to the *Regulation regarding occupying vacant positions in institutions of higher education*, approved by the Government Decision from 21.09.2010 nr.854, the person who does not pass the contest is released from position in accordance with the legislation in force. In practice, however, the Labour Code, Art. 86 which governs the dismissal as individual contract cancellation at the employer's initiative on indefinite duration, as well as on limited duration, sets specific grounds on which an employee can be dismissed. The given document does not include the reason that the individual employment contract may be ended because the employee has not passed the contest. Invoking as grounds for ending the contract the reason generally referred to in Z) as: "for other reasons set out in this Code and other legislative acts" is not applicable in this case. *The Regulation regarding occupying vacant positions in institutions of higher education*, approved by the Government Decision from 21.09.2010 nr.854 is a normative act, not a legal one. In this sense, Law no. 780 of Legislative 27.12.2001 at art. 2 indicate that Legislative acts include: the Constitution and constitutional laws, organic laws and ordinary laws, regulations and resolutions that are adopted by Parliament. The above mentioned Regulation is a normative act, according to Law no. 317 of 18.07.2003 on the normative

acts of the Government and other bodies of central and local government. Therefore, when a person does not pass the contest, usually the leader of the institution of higher education makes an individual contract of limited duration (up to end of the academic year) with the given employee. After that the individual work contract is over because the time limit has expired. This is a neutral reason that suits both sides.

The persons who reach the retirement age continue to exercise their duties until the end of their election term. After this period, the person of retirement age can sign a closed-term employment contract for a period of maximum 5 years, which may be extended later.

Based on the decision of the Senate, the people of retirement age who hold the title of professor and meet regulations requirements can apply to teaching vacancies for a period of 5 years after retirement. It should be noted that this regulation is not fully consistent, and requires some modifications and additions.

There are really very many gaps, even linguistic, including no further additional acts under which we could apply some norms of the Regulation, which refer to firing the person who was not chosen to fill a vacancy, as was mentioned above; voting procedures, e.g.: 13 members of the Faculty Council, 7 votes for and 6 against, but the Regulation tells us that we need 50% + 1 vote, de facto only ½ vote was not enough, which in practice can happen only when 8 members will vote for the candidate. We believe that such litigious situations should be detailed in the Regulation.

3.7. Conclusion

The universities' movement towards autonomy is considered a change for the better and for in favour of the higher education system in Moldova. The expert N.Toderaş identifies the positive consequences of university autonomy:

Aspect	How the university benefits
Legal	<ul style="list-style-type: none"> • The status of legally autonomous entity, functioning according to the non-profit principle; Institutions authorizing credits. • Delimitation leadership by field: academic, administrative; Independence in decision-making; Election of rectors and university presidents; Development of instruments for institutional efficiency;
Managerial (administrative)	<ul style="list-style-type: none"> • Own way of selecting, motivating and promoting academic staff; Increased trust and confidence in the sphere of activity; Creating university consortia; • Creating specialized centres, research units, and services according to the non-profit principle. • Freedom to manage financial and logistical funds directed from the state budget and extra-budgetary financial resources;
Financial	<ul style="list-style-type: none"> • Allocation of financial resources according to needs and priorities; • Development of principles and criteria of financing education and social support for students according to the reality within the university.

Aspect	How the university benefits
Selecting and admitting candidates	<ul style="list-style-type: none"> • The possibility of selecting candidates according to own criteria; • Transparency in admissions and academic promoting/stimulation; • Increased students' trust in services offered by the higher education institution. • Increased academic mobility, internal and external, according to the joint degree scheme;
Curricular	<ul style="list-style-type: none"> • Simplified mechanism for diversifying forms of study; • Accessing and diversifying finance sources for continuous learning programs.

The above table shows the main aspects of implementing the university autonomy principle. But the most important aspect of it, according to the expert, is the university management, i.e. the governing bodies in higher education and the development of a general vision for the entire higher education system.

4. INTERFACES OF HUMAN RESOURCES AUTONOMY AND INSTITUTIONAL AUTONOMY

4.1. Introduction

In this chapter we discuss the relationship between human resources autonomy and the five interfaces that are part of the institutional autonomy of universities, namely: government – university; university – staff; faculty – students; university – business; and university – internationalization. We also analyse the impact human resources autonomy has or might have on these interfaces. The emergent framework of these relationships that is presented in Table 2 will be the centre of the discussion in this Chapter.

4.2. Government – University Interface

The state's most prominent role in labour relations is manifested in the legislative work. Labour laws are divided into: laws governing collective labour relations and laws governing individual employment relationships. In addition, there are provisions concerning labour administration (employment agencies, labour inspection), and the activity and status of professional organizations (unions and patronages).

Labour relations and other directly related relations are governed by the *Constitution of the Republic of Moldova*, which is the fundamental state law which guarantees the freedom to work, the right to work and protection of work, the *Labour Code of the Republic of Moldova* and other legislative and normative acts containing norms of labour law (Parliament decisions, Presidential decrees, Government decisions and orders, provisions relating to employment issued by the Ministry of Labour, Social Protection and Family and by other specialized central authorities, within the powers delegated by the Government, internal regulations of the unit, collective employment contracts and collective conventions), as well as treaties, agreements, and other international regulations to which the Republic of Moldova subscribes.

The Labour Code of the Republic of Moldova, adopted by the Parliament Law No. 154-XV of 28.03.2003, originally published in the Official Gazette of the Republic of Moldova No. 159-162/648 of 29.07.2003, is a mandatory law for all employees and employers operating on the territory of Moldova.

Article 3 of the Labour Code of the Republic of Moldova, adopted by the Parliament Law No. 154-XV of 28.03.2003, published in the Official Gazette of the Republic of Moldova No. 159-162/648 of 29.07.2003, states that its provisions are applicable to all employers and employees working in the Republic of Moldova, including those working in Moldovan diplomatic missions abroad.

The employment relations between university and employees are regulated by the employment contract. Effective labour relations between an employee and employer, including those between the higher education institution and employees are initiated by signing an employment contract that sets out the parties' rights and obligations. According

to Article 45 of the Labour Code of the Republic Moldova, the employment contract is an agreement between the employee and the employer, by which the employee undertakes to perform work in some specialization, qualification or function, to comply with the internal rules of the unit and the employer is obliged to ensure the working conditions provided by labour laws and to pay wages on time and in full. The contract is negotiated by the employer and employee and is concluded in written form, in two copies, which is recorded in the unit register. The employer and the employee each keep a copy.

In fact, the employment in an institution of higher education does not require certain eligibility criteria based on the age of potential employees. However, we are aware that at present the higher education sector is an "aged" one, which may be explained by not hiring young people.

Case study: In order to apply the principle of continuity, in 2011, the Senate of the “Alecu Russo” State University in Balti (ARSUB) approved the following **specific regulations on the distribution of teaching load for retired academic staff, as required by law:**

- University academic staff with scientific degree and/or scientific-teaching title may be assigned a teaching load of no more than one teaching load in the first five years of scientific-teaching activity.
- Academic staff of retirement age with degrees and/or scientific-teaching title between 5-10 years will be assigned a teaching load of no more than 0.5 units of salary.
- Academic staff who was awarded the honorary title of “Professor Emeritus” will be assigned a teaching load of up to 0.5 teaching load for the entire duration of their activity and after the expiration of 10 years of service after retirement age.
- Academic staff with degrees and / or scientific-teaching title working more than 10 years after retirement age will be assigned a teaching load of no more than 0.25 salaries (priority being given to coordinators of annual, undergraduate, master, and doctorate theses).
- Academic staff who do not hold degrees and / or scientific-teaching title but are authors of scientific papers, textbooks, are holders of honorary titles are allowed to continue teaching after retirement age in the next five years only, having a teaching load of no more than 0.5 salary.

In relation to this we can mention that there is an *Instruction on determining the seniority in educational and scientific work* (Appendix to Order of the Ministry of Education of 27 October 1994 No. 328), which is already outdated. Point 1 of the Instruction states that “*The present instruction applies to determining the length of service and salary for educational and academic teaching staff in higher education institutions*”. This regulation does not clearly differentiate the teaching activity from the scientific one. Therefore we believe that there is a need for a new instruction which would specify clearly the work in which positions will be considered when calculating the length of teaching and scientific service.

Students are admitted in basis of the Regulations for organizing and conducting admissions for undergraduate degree (first cycle) in higher education institutions in the Republic of Moldova, approved by Order of the Ministry of Education no. 475 of June 7, 2012. Under this Regulation each institution develops its own regulations, specific to its field of activity (economics, medicine, etc.).

Admission is open to Moldovan citizens who hold a baccalaureate diploma, diploma of secondary vocational education (college), a higher education diploma, bachelor's degree or an equivalent degree. Foreign citizens and stateless persons may be enrolled under the Law on Education (Article 65) and the Protocol of cooperation between Moldova and the country or individual contracts.

Doctoral and post-doctoral students are admitted to study in basis of the *Regulation on the Organization of Doctoral and Postdoctoral Studies*, approved by Government Decision No. 173 of 18 February 2008 and the Partnership Agreement between the Government and the Academy of Sciences for the years 2009-2012 (Government Decision No. 402 of 12.06.2012, Official Gazette nr.126-129/449 of 22.06.2012).

In this context we refer to the problem of those who are full time doctoral students. The institutions where they study ask their labour record, where they write that the individual employment contract is over. Also, the Regulation on Organizing Doctoral and Postdoctoral Studies states that the doctoral student who receives a scholarship has the right to work part-time. According to the Labour Code a part-time job is possible when the employee has another main job. In this case the activity is not remunerated by salary, but only by scholarship. Logically we are in the situation of an inconsistency between the Regulation and the Labour Code.

Doctoral (PhD) admissions are open to Moldovan citizens with bachelor's or master's degree, with a total grade average greater than 8.0 and the grade for the specialization of at least 9.0. Foreign citizens and stateless persons with specialized postgraduate or graduate studies are also free to apply based on interstate agreements and contract basis.

Postdoctoral admissions are open to PhD holders, working in institutions of higher education / research and innovation institutions, have scientific publications, patents containing the pioneering results for science and practice, valuable implementations achieved after supporting the PhD thesis (different from and superior to it) and that forms at least 2/3 of the results that may be the basis of a thesis to obtain the degree of doctor habilitate.

In the *HR policy autonomy* component of the interface Government – University, we described the persisting current state of affairs. We can therefore conclude that the legal framework of the national higher education system is imperfect and needs modifications and additions. Each aspect and detail should be analysed so as to develop a coherent and comprehensive legal framework.

4.3. University – Staff Interface.

In accordance with the Law on Education, Article 48 paragraph 5 – the operation of higher education institutions is governed by the University Charter, adopted by the university Senate. This act expressly regulates the election of governing bodies and their attributions: the Senate, the scientific board, the administration board, the senate office, department boards. The Senate has the decisive role in the institution's governance, having the prerogative to make priority and strategic decisions for the institution. The operational activity is realized by the scientific board, in terms of the activity in the field of education and science, and by the administration board in terms of organizational activity. Department boards are run by department deans and aim to implement solutions for various organizational and educational problems. The rector of the institution is elected by the Senate and is confirmed by a government decision, according to article 18 of the Government Decision No.112 of 28.02.96 regarding the approval of the Regulations for organizing and running the contest for the position of Rector of a higher education institution. The election committee presents a report at the ordinary meeting of the Ministry of Education board regarding the organization, running and result of the contest for filling in the position of rector. The ministry board adopts the decision regarding the result of the contest. If the ministry board decides that the rector was elected in conformity with the requirements of the present Regulations, then the rector is proposed to the Government for approval. Otherwise, a new contest is organized. In this case we have a possibility of interference in the work of the Senate, namely if the Government will not approve an application chosen by the Senate. There are situations when the candidate proposed by the university Senate is not supported by the Government, and vice versa. In this case, state governing bodies interfere with the governing of the university, through the stipulation that the rector needs to be approved by a Government decision. The same Regulations state, in article 3, that the vacancy for the position of rector is advertised two months before the expiration of the employment contract deadline of the current rector. In this case, we are compelled to announce the vacancy for a position that is still filled, which contradicts the regulations.

At the faculty level, management is fulfilled by the dean, who is appointed by the rector and chosen from among faculty staff. For this reason, it is common that the person appointed dean is a very good specialist in the field of teaching, but less so in the field of management. In addition, the provisions of the Government Decision No. 281 of 13.04.2006 regarding the terms for remunerating state-funded unit staff do not cover the position of dean – it only stipulates that employees from the teaching-academic staff fulfilling the position of dean or vice-dean benefit from salary increase of 25% and 15% of their monthly wage, depending on their didactic function. This way the dean's responsibilities are carried out by an academic staff member, who is engaged in teaching activities and has less time for managing.

At the department level, management is carried out by the department chair elected on a competitive basis for a period of 5 years from among department staff. Electing the dean is usually the department staff's prerogative, which are more familiar with the leadership and

management abilities and moral and professional standards of the candidate. In this case the university becomes more conservative and less open to change when governing bodies are formed of internal members.

At the level of other administrative subdivisions, the management function is fulfilled by their heads and appointed and hired by the rector, without consulting other employees in the subdivision. In this case there can be situations of conflict between the subdivision head and its employees, if the appointed person does not meet expectations in terms of management skill or moral and professional conduct. According to the provision of the Code of Labour, management positions in administrative subdivisions of education institutions are filled for an indefinite period of time, which can be obstructing if an inadequate person has been appointed. Dismissal procedures in this case are strictly regulated by the Labour Code, and the employer is often compelled to forcibly continue the contractual relationship. Because of this legislation, which also covers other administrative/ auxiliary staff, the subdivision manager is unable to select his team, which often creates situations where the manager meets a team that exists for a long time and has out-dated ideas that do not meet the standards.

Case study: The selection of certain **functional subdivision heads from ARSUB is regulated by an internal regulation** for the election of these employees, as well as vice-rector, chief accountant, and head of HR and economic planning. Hiring is made on a competitive basis for a specified period, since the Labour Code allows signing an employment contract of limited duration with the chief accountant. This procedure can be applied to other managers: head of HR and economic planning, vice-rector, etc.

The Human Resources departments of higher education institutions represent subdivisions of these institutions, basically having the following obligations: elaborating personnel procedures related to human resource planning based on labour legislation, recruiting and selecting candidates for the job vacancies, hiring and integrating the new employees, evaluating, professional developing, promoting, penalizing, motivating the staff and firing; ensuring labour remuneration through the correct application of the elements of remuneration in accordance with the organizational structure, with the number of approved positions, with the nature, the quality and quantity of the work done within the limits of the work plan; consulting University administration on issues related to application of legislation on staff procedures, labour relations, economic and educational spheres, etc..

Academic positions (professor, associate professor, senior lecturer, university lecturer, assistant professor) are occupied on a competitive basis, based on the Government Decision for approving the Regulations on occupying academic positions in higher education institutions No. 854 of 21.09.2010. Situations of uncertainty with respect to the contest are described in the interface I. Teaching position vacancies are advertised only in national magazines and publications. For this reason, these positions are applied to by members of the university community. The organization and running of the contest is more

of a formality, as they select employees who previously held this position. As a result, the university loses its completeness.

Another problem that exists in educational institutions operating under financial autonomy is the lack of basic indicators for the differentiation of wage. In this case, institutions are free to develop their own indicators, which also create confusion and conditions for providing management's salaries based on personal criteria. If the university establishes and approves well-defined criteria based on employee professionalism, continuous improvement, organizational, functional and personal, capacity, it will be possible to promote only the best employees.

Case study: Since a 2011, at the ARSUB, the supplement to the salary from former was extra-budget resources and at the the moment financial funds from the study fee was granted according to the individual performance of each employee. It was assigned by each faculty separately, according to the quantity and quality of services provided and the manifested creative spirit in the following types of activities:

- academic / teaching;
- instructional-methodical;
- organizational- methodical;
- investigative and creative;
- educational extracurricular;
- continuous learning;
- economic, for the university (projects, grants, sponsorships, etc.).

All of these activities can be categorized in three components that represent the academic activity, research activity, and activity for the benefit of the academic community.

The next mechanism for awarding wage supplements was used in the following way:

- a committee within the Faculty Board evaluates professors in view of receiving salary supplements (5-7 persons, representatives of all departments of the faculty);
- each academic employee will submit to the evaluation committee a portfolio containing materials with the results of professor's activity for a certain period of time (1-3 years, according to the decision of the Senate);
- the evaluation committee assesses the activity of the academic staff member with a certain score, according to Annexes 1-4 (the staff member can also provide self-assessment scores for each type of activity to simplify the committees work);
- the evaluation of all academic staff members will determine the score obtained by all members of the faculty/department;
- having the monthly supplement fund (the amount of money granted to the faculty) and the total score obtained by the staff of a faculty will determine the cost (value) of a point (by dividing the amount of money paid to the faculty for a month to the number of points of faculty staff);

- the numerical value of a point helps determine the monthly salary supplement for each particular academic staff member (by multiplying the value of a point (in lei) to the number of points obtained by each member).

The obtained results are approved at concerned Faculty Board and an order is issued on granting pay rise for a year, which is signed by the Rector.

4.4. Employees – Students Interface

In conditions of university autonomy, including financial one, it is extremely important to carry out personnel performance evaluations, based on criteria established in the University and approved by the Senate. This helps increase academic staff members' motivation to provide an adequate quality of teaching (develop new courses, implement advanced learning methods, develop teaching materials, etc.). On the other hand, in order to promote staff in positions of associate professor they need to fulfill certain requirements of the Regulations for occupying academic positions, related in particular to the candidate's teaching performance.

A very effective method of ensuring teaching quality the students' evaluations of the course, which is part of the University's Quality Management System. All universities have their own evaluation questionnaires, including questions that cover: the overall impression from the course, the consistency and logical structure of the course, the degree to which the professor managed to stimulate the intellectual curiosity and capture the attention of students and to facilitate the student's progress in the learning process. Assessment is performed on a scale from 1 to 5. Questionnaires at all universities are anonymous. For example, at the SUMP "Nicolae Testemițanu" the survey takes place before the final exams so as not to influence the objectivity of the responses. Professors, practical works, seminars, internships are evaluated in the same fashion.

The learning activity of students, the study goals and competences acquired are tested and assessed during the semester through ongoing assessments and final examinations. The concrete forms of assessment and assessment criteria are set by the departments at the beginning of the school year and announced to the students. Assessment can take the form of tests, essays, individual papers, case studies, reports. Tests can be in written, oral, and combined.

According to pt.27 of the Regulation on the organization of studies in higher education, "full time studies involve the constant personal participation of the student in all learning activities organized by the higher education institution". On the other hand, pt.129 states that students who have unexcused absences from at least 1/3 of course units in one semester or for a period longer than 5 weeks should be expelled. This shows that attending classes in university is currently mandatory.

With university autonomy, each university has the right to determine rules for attending classes. We specify that those specialties that require the acquisition of practical skills (e.g. medicine, dentistry, etc.) attending classes should be mandatory.

The SNCS Regulation provides the distribution of topics for course theses, but not of a mentor (adviser). However it would not be a problem for students to choose their adviser. For example, in USMF “Nicolae Testemițeanu” students can choose in which department to carry out their thesis, the thesis topic and adviser.

Exam results may be contested. Appeals are determined in pt.88 of the Regulations. Students submit an application to the Dean of the faculty concerned, who appoints a person that, together with the department chair, will examine the complaint pertaining to exam topics or grade. The students can re-take the exam, following which they can receive a higher, the same, or even a lower grade.

Freedom of teaching is a well-known concept applied to academic staff. The concept means that professors are free to choose the form and methods of teaching. At the same time, freedom of teaching is a relative notion, because professors are required to follow the curriculum, the study program and schedule, to assess knowledge in the manner approved by the department, etc.

The freedom to learn begins with choosing the faculty to which the prospective student is applying. In accordance with the Framework Plan for higher education, approved by the Ministry of Education Order No. 455 of 03.06.2011, p.43 “Every student can make his/her individual learning track out of the units proposed by the curriculum for a university degree”. This is true for the vast majority of universities in Moldova. An exception would be USMF “Nicolae Testemițeanu” where the educational path is present for each specialty, and clinical disciplines have medico-biological prerequisites. At the same time the student can choose from a large number of optional courses (about 10% of the total number of courses). Once the student selects his/her optional courses, they become mandatory.

4.5. University – Business Interface

Before answering the list of questions, or providing an explanation of circumstances when the “University – Businesses” partnership would exist, it is necessary to note the importance of this relationship to both parties, each with its set of interests, which is mutually beneficial, ensure the successful development of the national economy, the university and, therefore, society. The efficiency of the relationship depends not only on the wishes it’s components, whose intellectual potential is undeniable, efficiency is largely determined by the legislative and regulatory framework outside (superior) and inner (lower hierarchical) that the delegation of rights and responsibilities parties determine the substance, character and type of the relationships within “University – Businesses” partnership.

What is the list of “interests” of the University?

- R&D financing.
- Implementation of the R&D results into live businesses.
- Material infrastructure development for teaching.
- Internships for young professors.

- Internships for students.
- Updating the technical and professional requirements subject contents that are part of the process in educating of young professionals as well as the research topics.

What is the list of “interests” of Businesses?

- Efficiency increase of the national economy components, especially the real sector.
- Provision that young professionals have the needed skills.
- Technology and equipment upgrades for businesses.
- Continuous skill improvement for the employees of businesses.
- Notifying Universities on the potential improvements for the learning processes of young specialists.

The legislative and regulatory frameworks contribute directly to the continuous improvement and efficiency of the research and training of specialists for the national economy by ensuring the University autonomy in decision-making and budget management.

The most important component of the university is the academic staff - namely the famous academic personalities, well positioned in terms of professional knowledge and recognized by the scientific and academic world, determines the level of graduates and universities hierarchical position in academia. It is considered a very prestigious job if well remunerated.

It is also necessary to note that professors, when obtaining scientific degrees, necessarily intersect with the business – the practical implementation of the results of production. Following the first stage of relations “University – Business”, scientific collaboration with business is mutually beneficial because it solves business problems and business representatives obtain scientific degrees.

As a result of economic stagnation, university teaching became less attractive, and as a result, this diminished the percentage of young professors among university staff.

For these reasons, the university cannot cover the study objectives with teaching staff and the practice of many years was the short-term hiring of persons recognized in the business environment. For example TUM departments annually invite 250-300 business specialists to participate in the teaching process. The university invites only people recognized personalities from the businesses world as chairs of committees for defending bachelor’s theses.

Business representatives’ involvement in the teaching process can produce significant benefits for the university - the content of the teaching process conducted by representatives of the business becomes more attractive as it reflects a practical use.

In joint projects (university-business) didactic-scientific activity of the University with full autonomy will become more attractive and those involved will benefit from:

- use of their intellectual potential and skills improvement;
- university will become better known in the business environment and more attractive for graduating students;
- universities will benefit from additional financial support, which will develop and enhance the teaching staff and research;
- the development and refining of its material basis, of teaching and research processes;
- Internship position for students.

There are no current legislative and regulatory limitations to invite business specialists in teaching. Technical University of Moldova annually invites 250-300 specialists from the business sphere.

University departments and employees can initiate cooperation agreements with business representatives, but the cooperation agreement is realized by the department / college / university - components that can represent the university legally. Typically, the initiation is the result of personal relationships between university employees and businesses seniors. Maintaining relationships is achieved through various forms, including participation in the teaching process. People who have started participating in the agreements and are compliant with the delegation of responsibilities from the rector for international relations and learning.

The vice-dean for continuous development manages:

- The continuous development university centre.
- The department of professors' continuous development.
- The continuous development in constructions centre.
- The department of international cooperation.
- The university Centre for Information and Vocational Guidance.

The professors' teaching activity does not benefit from "autonomy" because they are selected by competition, engaged by the employment contract and work is guided by the provisions of the job. In academics, autonomy refers to scientific work. In this activity business can provide research support thus channelling the outputs to be directly beneficial for the company. University staff, departments, faculties and the university does not have the right to initiate spin-off companies.

It is indisputable that the university autonomy in the HR sphere grants the university more "degrees of freedom" and as a result, the University is open to opportunities from the business environment. Also the Consolidated Education Development Strategy for the years 2011 - 2015, approved by the Minister of Education Order no. 849 of 29.11.2010 does not contain the phrases "autonomous university" or "university autonomy". The Regulation on the functioning of state institutions of higher education in terms of financial autonomy - Annex 1 to Government Decision no. 983 of 22.12. 2012 only sets mechanisms and budget consolidation and financial management requirements.

Currently there is no national academic staff training and development programs. At the Technical University of Moldova, under the Dean's order no. 385-r of 03.05.2011 "On the implementation of the Ministry of Education Order no.199 of 04.04.2011", 320 professors will receive psycho-pedagogical training for over 140 hours in the period 2011 - 2013.

For example, A. Russo Balti State University organized psycho-pedagogical modules, Foreign Languages Courses (all absolutely free of charge) for the employees. The psycho-pedagogical module allows specialists with non-pedagogical training (law, economics, and engineering) to obtain teaching skills. Twenty lectures will benefit from internships mobility under the Erasmus program.in the academic year 2013 -2014.

4.6. University - Internationalization Interface

In terms of internationalization, university autonomy in HR policy in Moldova is governed by the provisions of two laws: the Law on Education, as the framework law in matters of education policy, and the Labour Code - framework law in matters of employment. In this regard, Article 63 of the Law on Education stipulates that international cooperation in education is carried out in accordance with the laws of the Republic of Moldova, priority being offered to specialized central authority in the specific field - Ministry of Education – which has the right to establish relationships and bilateral cooperation agreements, participate in projects and international events in the field of education and scientific research. The same law states that the conditions of employment of teaching positions in education, including higher education, is established by the Ministry of Education, presuming that issues of internationalization in staffing matters fall within the jurisdiction of its authority.

On the other hand, the framework law in matters of employment establishes the principle of universality of labour relations in the sense that, as required by Article 2 of the Labour Code, the Code shall govern all the individual and collective labour relations, including those governed by laws and other legal acts. It is important to note that, in terms of the principle of universality, the Code shall apply equally to both employees that are Moldovan citizens and foreign citizens or stateless employees, employed under an employment contract, who work for an employer who is operating in Moldova. Thus, these provisions allow universities in Moldova - in theory - to hire academics from abroad (guest lecturers) under conditions similar to those applicable in the Republic of Moldova. These provisions are developed under the same law through special rules designed to regulate the work performed by teachers - Chapter XI "The work of employees in education and science and innovation organizations". Although not specifically mentioning anything related to academic work, the law states, however, that teaching activity (teaching) allows people with a level of necessary education to work in education and science and innovation organizations. Persons restricted from the teaching activity are those deprived of this right by court decision or the appropriate medical certificate, and persons convicted of certain crimes. Therefore, teachers invited from abroad can benefit from general employment at a university in Moldova.

Compared to other criteria - the legal status of foreign academics - a number of general provisions are applicable and *the Law on the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Moldova No. 275 of 10.11.1994*. Under the provisions of Articles 5, 7 and 8 of the law in question, foreigners have the same rights, freedoms and duties as citizens of the Republic of Moldova, with the exceptions established by law. The same law stipulates that foreign nationals residing in the Republic of Moldova have the right to work in accordance with the law. The only direct prohibition established by law for this category of people - foreigners - is that they cannot be appointed to a position or engaged in activities for which, according to law, citizenship is required. It should be noted that the national legislation on higher education does not contain any such prohibition for academics who are not nationals of the country, unlike other industries, such as, for example, the medical profession which according to *Article 4 of the Law on the medical profession No.264 of 27.10.2005*, may be exercised by any person who meets the cumulative number of conditions, including a citizen of the Republic of Moldova.

Internationalization issues of employment academics are found in laws on academic mobility. *Regulation on the mobility of students and academic staff in higher education*, adopted by the Ministry of Education, establish the order of participation of students, scientists and teachers *in academic mobility* programs at national and international level and to conduct internships (work) and cultural exchange. The Regulation aims, as the authors mention it, to adapt the national legal education requirements contained in commitments by Moldova on building the European Higher Education Area Bologna principles. Academic mobility of teachers can be organized by different means: inter-university agreements and conventions; mobility projects and programs of the institutions and international organizations and regional mobility programs offered by various states, individual contracts of academics.

The Regulation sets out the objectives for teacher mobility, in addition to teaching itself, covering several aspects: ensuring the exchange of academic, economic, and research experience and the training and retraining of professors, developing of new curricula, educational programs and training, and updating existing ones, developing working partnerships for projects of education, training, research, strengthening cooperation between universities in areas of common interest, promoting the exchange of experiences on teaching methodology and techniques, promoting the image of the university abroad and so on.

According to national regulations, the forms of academic mobility are also different: teaching internships abroad, research internships, linguistic internships, activities for the development and implementation of curriculum development programs, etc. The Parties' rights, duties, responsibilities, and the duration of academic mobility are established in intergovernmental, inter-ministerial, institutional agreements, as well as international programs / projects.

As it has been mentioned, academic staff can participate in mobility programs in the basis of individual employment contracts with foreign universities, supporting their own costs.

Universities participating in academic staff exchange must establish, with each individual staff member, the program for teaching/activity at the university, before the start of the mobility program.

In the process of identifying and accepting mobility programs, priority is given to those that meet the objectives and mission of the national university and that will conclude with the development and publication of new academic works, will extend and consolidate the relationship and will develop new cooperation projects. Promoting these priorities should constitute, according to the Regulations, the criteria for selecting university staff that will participate in academic mobility programs. It is important to note that the participation in mobility programs is recognized as a step in the development of the academic and managerial career.

Universities in the country have taken and adapted the Regulation to meet their needs. The State University of Moldova (SUM) adopted in 2007 its *Regulations on academic mobility at the State University of Moldova*. It contains, for the most part, the Regulations approved by the Ministry of Education, slightly adapted. According to the Regulations, the length of internships is established through bilateral agreements between SUM and other universities. In cases of academic staff exchange SUM will establish with each staff member a teaching program before the beginning of the mobility program. Only entitled academic staff can participate in mobility programs at the SUM. Examining the proposals of mobility, priority is given to mobility programs that meet the goals and objectives of the SUM which are aimed at developing new teaching materials, expanding and strengthening the relationship between faculty and departments, preparing new cooperation projects. The academic staff member is considered to have finished the mobility program when he/she obtains a certificate issued by the host institution. If the academic staff member has not fully completed the work plan, he/she is required to fully repay the received allocations. The SUM statute specifies that the University has academic autonomy, which manifests itself in different ways, including organizational autonomy. One embodiment of organizational autonomy at SUM is the establishment of cooperation relations with various educational and scientific institutions, centres and organizations outside the Republic of Moldova.

In 2010 the Moldovan Government issued the Decision No.694 of 04.08.2010 “On the approval of the Contribution (motions) of the Republic of Moldova to the EU Strategy for the Danube Region”. In the priority areas of education, research and innovation, the Government has proposed, among other priority actions, for the development of scientific cooperation joint research programs, joint participation in European programs, the development of national and regional projects, exchange of scientific publications, promotion of young scientists with international reputation and innovative potential, etc. In terms of internationalization of university autonomy in the segment of academic staff, the Government has proposed the cooperation in academic and professional mobility by continuing, enhancing and expanding academic mobility, encouraging teaching actions as “visiting professors”, the organization of continuous learning activities, postgraduate

masters and / or doctoral studies, participation in seminars, conferences, workshops, educational seminars and contests.

Moldova declared its firm intention to join the European Union and to become part of the European education space and to actively participate in its establishment and consolidation. In this sense, the first formal step was made on 18-19 September 2003 at the Conference of European Ministers in Berlin, where RM participated as an observer. By attending this conference, our country has issued a clear message to our education system will join the Bologna Process. On June 2, 2004 the Ministry of Education submitted to the Bologna Process group a letter of intent that confirmed the adherence to the European values and requirements. As part of the Bologna Process, Moldova has subscribed to the promotion of academic mobility of academic staff. In words, the government acknowledged that the objective to improve the mobility of professors and researchers, as set out in the Bologna Declaration is of utmost importance, confirming its commitment to support the removal of all obstacles to the free movement of professors and researchers.

4.7. Conclusion

The laws in force, referring to higher education, ensure the functioning of these institutions in an environment, which favours high institutional and individual performance of employees and students, based on the following principles:

- The principle of freedom of labour;
- The principle of academic freedom;
- The principle of consensus and good faith;
- The principle of equality of chances and treatment and elimination of any discrimination;
- The principle of solidarity;
- the principle of transparency (information and mutual consultation);
- The principle of mutual respect both between the institution and the employee, and between the employees; compliance with the authority of the governing, didactic and administrative bodies and respecting the dignity of every employee;
- The principle of freedom of association to defend the human rights and promoting the professional, social, cultural and economic interests;
- The principle of deontology;
- The principle of personal and public responsibility for the quality of the entire didactic, research or administrative activities.

In this respect we consider that the degree of State involvement in regulating the activities of higher education institutions is quite high. However, the majority of the legal norms which regulate labour relations have a general nature, not taking into account the specific character of the activities of higher education institutions. We are aware of the necessity of updating certain laws related to the labour relations from higher education institutions, sometimes being necessary to change some procedures used for a long period of time.

Unfortunately it can be noted that the involvement of businesses in supporting the academic activity, and therefore in increasing university autonomy, is reduced. In reality, the involvement of businesses does not entail academic autonomy, as well as university academic autonomy does not entail the involvement of the business. It should be noted that no representative of the business or academia (Academy of Science institutions) requested the possibility to participate in the implementation of educational activities. The responsibility to select the 250-300 specialists and discuss with them their involvement in the academic process falls entirely on the academic departments.

Case study 1: In the past, in order to receive admission to the process of defending the undergraduate project, the project's draft had to be presented from the outside. Departments had the list of external reviewers - experienced specialists in their respective fields. All submitted undergraduate projects had to necessarily undergo these specialists' expertise, paid for by the university. 20 years ago this part of the process to defend an undergraduate project was repealed on the grounds that the university did not have sufficient financial resources.

Case study 2: Training specialists in engineering requires a considerable practical component. In the past, students were completing 4-5 internships in enterprises: a study internship after the first year, an operational internship after the second year, a technological internship after year 3, design - after year 4, and preparation for the undergraduate project during year 5. Since about 20 years ago most businesses switched to requesting payment for offering internships, this important component of the process of training specialists was revoked on the grounds that the university does not have sufficient financial resources. As the university works for the national economy, the economic environment has a considerable influence on the educational programs of the university. The curricula and course syllabi are coordinated with specialists of the main companies in the related fields and the respective ministries. It is in the interest of the profile departments. For these reasons, the departments maintain relations with alumni that work in those areas. At the same time, internship supervisors from companies express their views on the nature and level of knowledge. Usually, only well-established personalities from relevant business spheres are invited as chairperson of state committees for defending undergraduate projects. These persons have the right to make recommendations in the Commission's reports, including those related to educational programs. The selection and hiring procedure for academic (teaching) titled staff is determined by the Regulations on occupying academic positions in higher education institutions approved by Government Decision no. 854 of 21.09.2010. This Regulation does not apply to part-time/cumulative staff, because hiring is only for one academic year. Hiring is repeated annually. If the cumulative staff members do not fulfil their functional obligations, they can be dismissed before the deadline indicated in the individual employment contract and will not be hired in the future. This type of hiring allows for maintaining the level of academic achievement activities to meet the requirements.

5. CONCLUSION AND NEXT STEPS

As a result of this report we can see that the autonomy of human resources in higher education institutions of the Republic of Moldova actually does not exist. The fact that the Rector is the employer of staff in higher education institutions and makes individual employment contracts does not reveal that we have autonomy. After carrying out this study, we came to the following conclusions:

- The legislator established standard minimum conditions regarding the occupation of teaching positions through contest, and the institutions are authorized to adopt additional requirements, often negatively received by the members of the academic community, being considered as an abuse of the employer;
- The inexistence of management remuneration of academic positions (dean, deputy dean, head of the department), only the establishment of certain management compensation for providing additional work to the basic teaching position results in lack of management performance by the people occupying these positions;
- The organizational culture in higher education institutions is missing (certain hierarchies are not respected);
- There are significant discrepancies between the legislative acts which regulate labour relations in general, and those relating to labour relations in higher education institutions. As a result, by observing the legal norms we are often forced to make absolutely legal decisions, but totally detrimental to the quality;
- There is a low degree of participating of teaching and administrative staff in competitions of awarding national and international research projects;
- Not many employees of higher education institutions master foreign languages;
- There is a lack of certain coherent staff policies for administrative, technical and auxiliary staff.
- There is a deficiency of social status which is expressed by a low level of remunerating the teacher's job and by the unattractively of the teacher's profession.

As for the relations of higher education institutions and the business environment, we make the following conclusion: It may be noticed that the business environment, being considered an efficient and important catalyst in ensuring academic autonomy of the university, is actually out of this process. The businesses' support of the university will strengthen university autonomy in the field of academic staff, as it will be directed towards achieving a certain economic purpose for business and improving the teaching and material resources. As a result, the university will be not free in using financial support from businesses. If the expected benefits to the business fit the profile of research and the training of specialists in the department / faculty, this financial support will increase university autonomy. In the current conditions, it is the business environment that determines and stimulates the fields of university science (training academic staff of the highest category), which takes place at the Technical University today. It is also necessary to note that the degree of influence on research areas is determined by the financial possibilities of the business environment. Currently, the Technical University research opportunities are used by businesses at a rate of 15-20%.

REFERENCES

Legislative Acts:

Constituția Republicii Moldova din 29.07.1994.

Codul Muncii al Republicii Moldova nr. 154 din 28.03.2003.

Codul cu privire la știință și inovare al Republicii Moldova nr. 259 din 15.07.2004.

Legea învățământului nr. 547 din 21.07.1995.

Legea cu privire la prevenirea și combaterea corupției nr. 90 din 25.04.2008.

Legea cu privire la statutul juridic al cetățenilor străini și al apatrizilor în Republica Moldova nr. 275 din 10.11.1994.

Legea cetățeniei Republicii Moldova nr.1024 din 02.06.2000.

Legea nr. 780 din 27.12.2001 privind actele legislative.

Legea nr. 317 din 18.07.2003 privind actele normative ale Guvernului și ale altor autorități ale administrației publice centrale și locale.

Legea nr. 355 din 25.12.2005 privind sistemul de salarizare în sectorul bugetar;

Legea cu privire la filantropie și sponsorizare nr. 1420 din 31.10.2002.

Normative Acts:

Hotărîrea Guvernului Republicii Moldova Nr. 854 din 21.09.2010 cu privire la aprobarea Regulamentului cu privire la modul de ocupare a posturilor didactice în instituțiile de învățământ superior.

Hotărîrea Guvernului nr. 381 din 13.04.2006 cu privire la condițiile de salarizare a personalului din unitățile bugetare.

Hotărîrea Guvernului nr. 195 din 13.03.2013 privind condițiile de salarizare a personalului din instituțiile de învățământ superior de stat cu autonomie financiară.

Hotărîrea Guvernului nr. 983 din 22.12.2012 cu privire la modul de funcționare a instituțiilor de învățământ în condiții de autonomie financiară.

Hotărîrea Guvernului nr. 112 din 28.02.96 despre aprobarea Regulamentului cu privire la organizarea și desfășurarea concursului pentru postul de rector al instituției de învățământ superior universitar.

Hotărîrea Guvernului „Cu privire la aprobarea Contribuției (propunerilor) Republicii Moldova la Strategia Uniunii Europene pentru Regiunea Dunării nr. 4 din 04.08.2010.

Hotărîrea Guvernului cu privire la mijloacele speciale ale organizațiilor subordonate Academiei de Științe a Moldovei nr.724 din 26 iunie 2006.

Hotărârea Guvernului cu privire la aprobarea Regulamentului cu privire la activitatea Consiliului Național de Formare Profesională Continuă, nr. 1224 din 09.11.2004.

Normative acts approved by the Ministry of Education of the Republic of Moldova and the ministries:

Cerințele de calificare pe categoriile de salarizare pentru personalul cu specialități complexe din instituțiile și organizațiile bugetare, Ministerul Muncii și Protecției Sociale al Republicii Moldova, Chișinău, 1993.

Instrucțiune cu privire la ordinea determinării vechimii în muncă pedagogică și științifică, Ministerul Învățământului al Republicii Moldova, Chișinău, 1994.

Regulamentul cu privire la ocuparea posturilor de conducere și alegerea organelor de conducere în instituțiile de învățământ superior universitar din Republica Moldova Anexă la ordinul nr. 697 din 04 noiembrie, 2011.

Regulamentul de organizare și desfășurare a admiterii la studii superioare de licență (ciclul I) în instituțiile de învățământ superior din Republica Moldova Anexă la ordinul nr. 475 din 07.06.2012.

Regulamentul de organizare a studiilor în învățământul superior în baza Sistemului Național de Credite de Studiu aprobat prin ordinul Ministerului Educației nr. 726 din 20.09.2010.

Internal Acts of the Institutions:

Codurile de etică – Codurile morale.

Regulamentele interne.

Statutul instituției – Carta universitară.

Articles, Monographs, Manuals:

Autonomia universitară – condiție a civilizației, Andrei Marga,
http://www.ubbcluj.ro/ro/despre/misiune/files/Autonomia_universitara_conditie_a_normalitatii.pdf

Pascari, A. and Mihailenco E. (2007), Dreptul muncii, Curriculum, Chișinău.

Toderaș, N. (2005), ” Statutul instituțiilor de învățământ superior din Republica Moldova în viziunea guvernării și a societății civile”, Studiu, București.

APPENDIXES

Appendix 1: Data sources

#	Type	Title
1.	Constitution	The Constitution of Republic of Moldova of 29.07.1994.
2.	Code	The Labour Code of the Republic of Moldova no. 154 of 28.03.2003
3.	Code	The Code on Science and Innovation of the Republic of Moldova no. 259 of 15.07.2004
4.	Law	The Education Law no. 547 of 21.07.1995.
5.	Law	Legea cu privire la sistemul de salarizare în sectorul bugetar nr.355 (cu modificările ulterioare) din 23.12.2005 Law on wage system in budgetary sector 355 (with subsequent changes) of 23.12.2005
6.	Law	Law on Preventing and Combating Corruption no. 90 of 25.04.2008
7.	Law	Law on the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Moldova no. 275 of 10.11.1994
8.	Law	Law of Moldovan nationality No. 1024 of 02.06.2000
9.	Law	Law no. 780 of 27.12.2.001on legislative acts
10.	Law	Law no. 317 of 18.07.2003 on normative acts of the Government and other authorities of central and local public administration.
11.	Law	Law on Philanthropy and Sponsorship no. 1420 of 31.10.2002
12.	Government Decision of Republic of Moldova	No.195 of 13.03.2013 on the conditions of staff employment of state institutions of higher education with financial autonomy.
13.	Government Decision of Republic of Moldova	No.. 854 of 21.09.2010 on approval of the Regulation on on the way of filling in the teacher positions in higher education institutions.
14.	Government Decision of Republic of Moldova	Nr.381 of 13.04.2006 (with subsequent changes) on conditions of staff employment of budgetary units.
15.	Government Decision of Republic of Moldova	No.47 of 12.01.2007 (with subsequent changes) on the wages of employees of public law organizations in the field of science and innovation financed by the state budget.
16.	Government Decision of Republic of Moldova	No. 112 of 28.02.96 on approval of the Regulation on the organization and the carrying out of the rector position of the university higher education institution.

#	Type	Title
17.	Government Decision of Republic of Moldova	No. 4 of 04.08.2010 on approval of the Contribution (the suggestions) Republic of Moldova to the EU Strategy for the Danube Region
18.	Government Decision of Republic of Moldova	Nr.983 of 22.12.2012 on the way of functioning of state institutions of higher education in terms of financial autonomy.
19.	Government Decision of Republic of Moldova	nr.724 of 26 June 2006 on special means of organizations subordinated to Academy of Sciences of Moldova
20.	Government Decision of Republic of Moldova	on approval of the Regulation on the activity of the National Council for Continuing Vocational Training, no. 1224 of 09.11.2004
21.	Order of the Ministry of Education	Instruction on determining order of the length of pedagogical and scientific work
22.	Order of the Ministry of Education	Regulation of organization and implementation of admission to higher education degree (first cycle) in higher education institutions in Moldova Annex to the Order no. 475 of 07.06.2012
23.	Order of the Ministry of Education	Regulation of organization and implementation of admission to higher education degree (first cycle) in higher education institutions in Moldova Annex to the Order no. 475 of 07.06.2012
24.	Order of the Ministry of Labour, Social Protection and Family	Qualification requirements for the staff on payroll categories with complex specialties in budgetary institutions and organizations.
25.	Informative Document	Internal acts of the institutions of higher education in the Republic of Moldova (regulations, statutes, codes, etc.).
26.	Informative Document	Governance in the European Higher Education Policies, structures, funding and academic body (2008), Eurydice
27.	Textbook	Pascari, A. and Mihailenco E. (2007), Labour Law, Curriculum, Chisinau
28.	Monograph	Toderaş, N. (2005), ” Statute of higher education institutions in the Republic of Moldova in the view of government and civil society ”, Study, Bucharest
29.	Article	University autonomy - condition of civilization, Andrei Marga

#	Type	Title
30.	Study	Thomas Estermann & Terhi Nokkala,2009, UNIVERSITY AUTONOMY IN EUROPE I, ExplORAToRy STUdy, http://www.rkrs.si/gradiva/dokumenti/EUA_Autonomy_Report_Final.pdf

Appendix 2: Data collection method - Human Resources Autonomy

Part I.

Interface I Government - University	<p>What is staff recruitment conditions set by state?</p> <p>Does the university have the right to recruit and manage their human resources?</p> <p>Is the number and structure of staff approved by the Ministry?</p> <p>The staff structure is university right and is validated by an external quality agency?</p> <p>What are the limits of personal freedom of a university lecturer?</p> <p>Would the transition to university autonomy eliminate corruption?</p> <p>What are the expected positive consequences of university autonomy?</p>
Interface II Management – Staff	<p>When university has staffing autonomy it can more flexibly recruit and dismiss staff.</p> <p>When university has staffing autonomy it may promote its staff more effectively, which means staff is more motivated.</p> <p>What are internal rules for personnel management?</p> <p>Are there KPIs based on research and teaching?</p> <p>Does the university have the right to establish the regulations and procedures for the evaluation of the research and teaching activity of its own staff?</p> <p>Is promotion of the teaching staff possible only by contest organized upon the criteria approved by the Senate of the university?</p> <p>Freedom of the university to hire/fire the staff?</p> <p>How would correlate the concepts of «staff schedule» and personal freedom of a university lecturer?</p> <p>Does the university have the right to award academic and scientific titles?</p> <p>Is dismissal of the senior teaching and administrative staff approved only by the Senate of the university?</p>
Interface III Staff – Students	<p>The effectively promoted staff may be more effecting in organizing studies.</p> <p>Can teaching staff establish student evaluation criteria for exams?</p> <p>Can teaching staff establish the different forms of examination: on-term and final?</p> <p>What is the structure of the student's formations, number of this and other the university responsibility?</p> <p>How do you understand the freedom to teach and the freedom to learn?</p> <p>What would be the criteria for the assessment of teachers' lectures by the students?</p> <p>Should class attendance be mandatory in terms of university autonomy?</p>

	<p>Can students formulate complaints on their examination results?</p> <p>Can students evaluate the teaching staff by a confidential procedure?</p> <p>Do students have the right to choose a mentor for their bachelor/master final paper?</p>
Interface IV University – Businesses	<p>When university has staffing autonomy it may be easier to invite lecturers from business.</p> <p>Can staff initiate cooperation agreements with the business environment?</p> <p>Who is responsible for liaising with the business environment (level within the structure)?</p> <p>What kind of help can offer the local business to provide university's teachers autonomy?</p> <p>Can staff initiate spin-off companies?</p>
Interface V University – Internationalization	<p>When university has higher staffing autonomy, it can easier hire international staff.</p> <p>Can staff initiate cooperation actions with teachers and teams from abroad?</p> <p>Who is responsible for liaising/establishing contacts with foreign universities?</p> <p>How is it possible to organize staff mobility in terms of university autonomy?</p> <p>What kind of international activities can improve the factor of personal contact between university scientists?</p> <p>Can staff propose to the university Erasmus or other international partnerships based on their previous relations?</p>

Part II.

		Please tick	
117.	Are academic staff formally classed as civil servants?	Yes	No
118.	If no, does the University directly employ academic staff?	Yes	No
119.	Does the University have freedom in relation to determining:	Yes	No
	Salary scales?		
	Salary levels?		
	Additional payments?		
	Promotions?		
120.	Are there national criteria for the selection and recruitment of academic staff?	Yes	No
121.	Is recruitment on the basis of competitive examination?	Yes	No
122.	Is international advertisement a normal element in recruitment?	Yes	No
123.	Is national advertisement a normal element in recruitment?	Yes	No
124.	Are academic staff interviewed before appointment?	Yes	No
125.	Do academic staff have fixed term appointments?	Yes	No
126.	Can academic staff be made redundant?	Yes	No
127.	Can academic staff be dismissed?	Yes	No
128.	Are academic staff subject to regular (at least every two years) appraisal?	Yes	No
129.	Are there institutional programmes of staff training and development?	Yes	No
130.	Are there national programmes for academic staff training and development?	Yes	No